

Magnolia 4A Economic Development Corporation

37.17 Acre FM 149 Tract Request For Development Proposals

Solicitation Issue Date: Tuesday, June 21, 2022

RFP Response Due Date and Time: Thursday, July 28, 2022; 12:00PM CST

Hardcopy Offers will be opened one (1) hour after the Offers Due Date and Time

Pre-Response Meeting : July 7, 2022 at 1:00PM CST. This meeting will be held virtually.

Information to join the meeting will be provided via an Addenda prior to the meeting.

Site Visit : Monday, July 11, 2022 from 10:00AM-12:00PM

Authorized Contact :

Rachel Steele, Executive Director

Phone: (281) 305-0546

E-Mail: rsteele@cityofmagnolia.com

Estimated Solicitation Schedule Summary (subject to change)

Milestone	Date or Timeframe
1. Solicitation Issue Date	Tuesday, June 21, 2022
2. Pre-Response Tele-Meeting	Thursday, July 7, 2022
3. Site Visit	Monday, July 11, 2022
4. Deadline for Questions and Answers	Monday, July 18, 2022
5. Submittal Deadline	Thursday, July 28, 2022
6. Interviews/Presentations	To Be Determined (at Board's discretion)
7. 4A Board Consideration	To Be Determined
8. City Council Consideration	To Be Determined

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A. INTRODUCTION AND PURPOSE

The Magnolia Economic Development Corporation (MEDC), a 4A Corporation was established on September 08, 1997 following the passage of one-half (1/2) of one-percent (1%) sales tax dedicated to economic development by the residents of Magnolia, Texas. The 4A is a non-profit, tax-exempt Texas Corporation, which is a separate entity from any other board or commission of the City of Magnolia.

The MEDC, seeks to sell its property holdings of approximately 37.17 acres located at 39103 FM 149 in Magnolia, Texas. The site was originally purchased as a 43.93 acre tract in 2014 for eastern utility expansion for the City of Magnolia. Through long-term planning the MEDC has determined that the entire property doesn't need to be utilized for utility service and will sell the remainder of the property. The entire tract is broken down in the following uses:

2.28 Acres	Magnolia Municipal Water Plant No. 3
4.48 Acres	Road and Utility Easements/Encumbrances
37.17 Acres	Area for Development

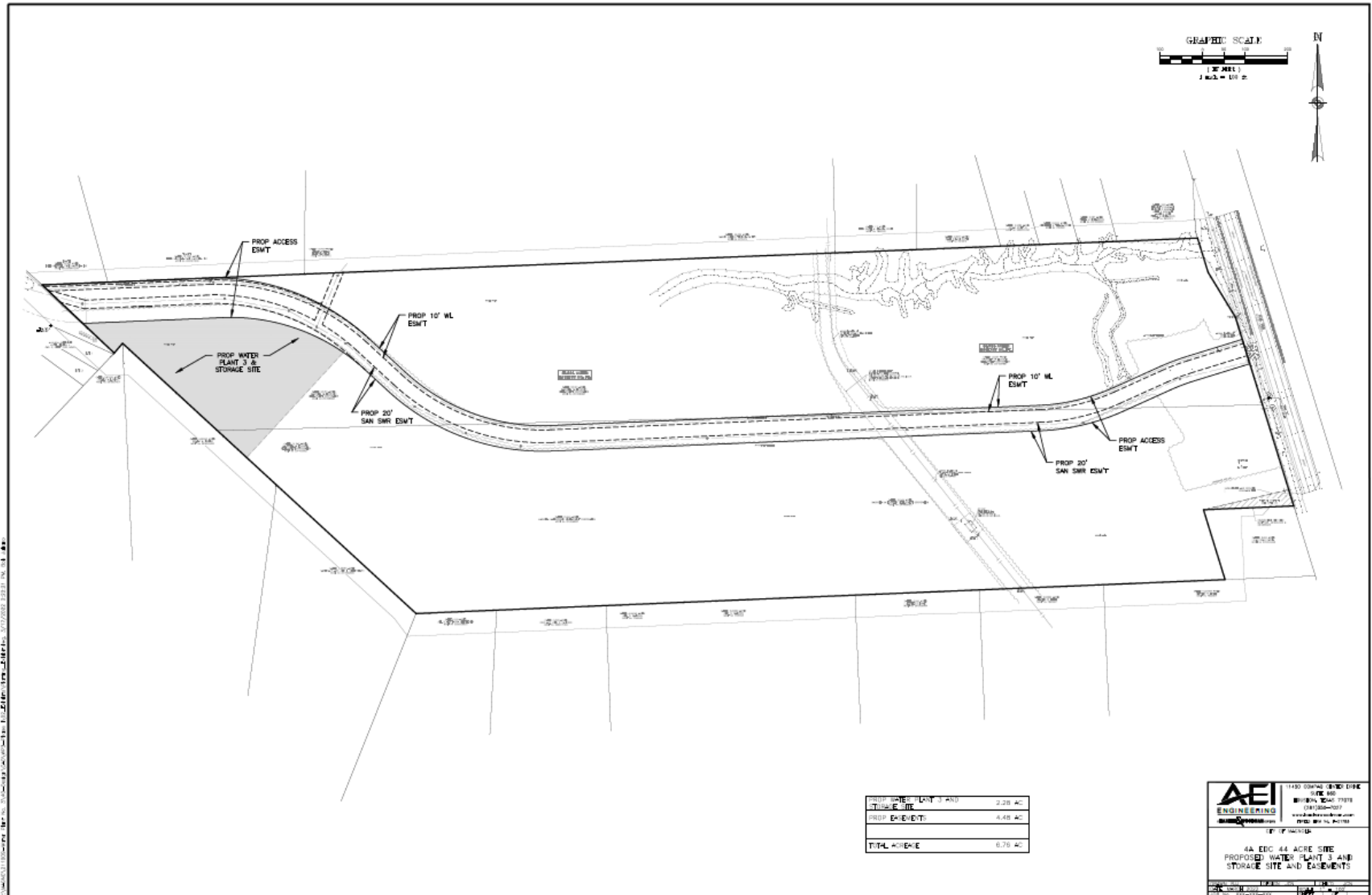
The Magnolia 4A is seeking proposals from real estate developers, business interests, corporate entities, and or development teams (collectively a "Proposer") that are consistent with Magnolia's rural character and address the identified goals for the FM 149 site. This Request for Proposals (RFP) is designed to harness the creativity of the market to provide significant community benefits while also improving the City's economic horizon by bringing responsive development to a growing small town nestled in one of the top-ten fastest growing counties in Texas. Optimally, the successful Proposer will harness the power of economic opportunity to demonstrate a successful development that embodies local jobs, expansion of industry and extension of the economic horizon of the city, of Magnolia, Texas.

The successful Proposer which is approved by the MEDC and the Magnolia City Council will then negotiate, in good faith, terms for the parties to move forward and will clarify respective roles and responsibilities including pre-development activities and budgets, as well as key terms and conditions of the sale or ground lease of the property and related development and financial considerations.

The process and factors used for the evaluation of developer proposals are further described in the Required Proposal Submittals, Section D (Page 11), of this solicitation package.

B. OBJECTIVES AND TERMS	
Objective:	<p>MEDC seeks proposals to develop corporation-owned property through sale of property.</p> <p>MEDC expects to:</p> <ul style="list-style-type: none"> • Sell the property with the express intention that it be developed for commercial use and • Remain inside jurisdictional limits of the City of Magnolia, Texas for its useful life. • Proposals can be made on a portion of the tract or in its entirety. <ul style="list-style-type: none"> ○ A site map must accompany all proposals indicating the portion of property requested.
Site:	39103 FM 149, Magnolia Texas 77355, Approximately 37 acres
Goals:	<ol style="list-style-type: none"> 1. The highest value that creates new commercial, industrial, distribution or manufacturing opportunities 2. A catalyst of innovation 3. Expand local workforce 4. A community development partner that supports the economic future of Magnolia
Minimum Terms:	<ul style="list-style-type: none"> • Tract may not be de-annexed out of the City of Magnolia • Must obtain and retain the commercial zoning status over life of project • Development must follow zoning and Magnolia UDC Guidelines • Requests for other incentives must be made separately to Magnolia City Council
Approach	<p>Proposer to do one of the following: Purchase the property at a value that addresses MEDC's goals and community priorities. In all cases, Proposer shall:</p> <ul style="list-style-type: none"> • Offer land purchase • Assumes all responsibility for environmental coordination • Lead all regulatory processes including, but not limited to: site plan, zoning changes, platting, building permits and attainment of a Certificate of Occupancy
Selection	Based on evaluation factors listed in this document

C. PROPERTY OVERVIEW



D. TERMS & PROCESSES

1.0 GENERAL

- 1.1 Solicitation – RFP. The documents that make up this Solicitation constitute a Request for Proposals (“RFP”). This RFP is comprised of three (3) general components including:
- Instructions describing the MEDC’s proposal process;
 - “Required Proposal Submittals” requirements (Executive Summary, Project Concept & Strategy, Financial Proposal, Proposer Experience & Project Timeline, and Evaluation Factors); and
 - “Proposal Offer Sheet”, composed of the required forms for a Proposer responding to this Solicitation.
- 1.2 Authorized Contact Person. The Authorized Contact Person (or persons) for this Solicitation are listed on the Solicitation’s cover page. The Authorized Contact Person is the only representative designated by the Board of Directors of the Magnolia 4A EDC to act on behalf of the MEDC with regards to this Solicitation.
- 1.3 Review of Documents. Proposers shall examine all documents that make up the Solicitation and promptly notify the Authorized Contact Person(s) of any perceived omission, ambiguity, inconsistency or error that the Proposer may discover. The MEDC assumes no responsibility for any errors, misrepresentations or misinterpretations that result from the use of incomplete Solicitations.
- 1.4 General Reservations. The MEDC reserves the right to cancel this Solicitation at any time, before or after the Due Date and Time, and to solicit or procure these same products or services at any time, during or after this Solicitation.

2.0 PUBLICATION, AVAILABILITY AND NOTICES

- 2.1 Publication and Availability. This Solicitation was published and is available for viewing and download from the MEDC website:

<https://www.cityofmagnolia.com/economic-development/4a-corporation>

This Solicitation is also available in hardcopy from the Magnolia 4A Economic Development Corporations Office located at Magnolia City Hall, 18111 Buddy Riley, Blvd. Magnolia Tx 77354. Request for hardcopies of this Solicitation shall be directed to the Authorized Contact Person.

- 2.2 Initial Notice. An initial notice of the Solicitation’s availability was issued automatically to all companies or persons who had as of Friday, June 17, 2022 expressed an interest or requested information on the project to the Magnolia 4A MEDC Executive Director.
- 2.3 Subsequent Notices. Subsequent notices concerning this solicitation, including notice of any changes are only sent to companies or persons who request notification. To receive any subsequent notices concerning this Solicitation, any company or person receiving an Initial or Supplemental notice, or any other company or persons wishing to receive subsequent notices concerning this Solicitation must request notice to the Authorized Contact, the Executive Director of the MEDC.

3.0 PRE-PROPOSAL EXCHANGES AND ADDENDA

- 3.1 Questions and Responses. All inquiries concerning this Solicitation shall be directed to the Authorized Contact Person and shall be received no later than 5:00 PM CST on Monday, July 18, 2022. Responses which provide additional information or clarification to the solicitation will be provided in an Addenda that will be transmitted to the interested parties email list. Per section 2.4, only those who have subscribed to the solicitation will be notified when an Addendum is issued.
- 3.2. Pre-Response Meeting and Site Visit. MEDC will hold one virtual Pre-Response Meeting to review the contents of this Solicitation and/or to receive any questions concerning this Solicitation. The date, location, and time for the Pre-Response Meeting is **Thursday, July 7, 2022 at 1:00pm (CST)** via virtual link. *A meeting link will be posted to the MEDC's website by July 1, 2022.* Interested parties that have also requested to be notified of the solicitation will also receive a meeting link from the MEDC Authorized Contact.

MEDC will hold one Site Visit at MEDC's sole discretion based on current weather and safety conditions. The site visitation will be **Monday, July 11, 2022 from 9:00-12:00pm (CST)**. Attendance at the Pre-Response Meeting and/or Site Visit is not mandatory but is strongly encouraged. Attendees requiring reasonable accommodations for the pre-response meeting or site visit shall contact the Authorized Contact Person as early as possible to arrange for such accommodations.

- 3.3 Solicitation Addenda and Versions. From the time the Solicitation is published and through the Due Date and Time for Proposals, this Solicitation is subject to changes through the issuance of written Solicitation Addenda. Any Solicitation Addenda issued will identify all changes made to the Solicitation. With the publication of each Solicitation Addendum, the MEDC will simultaneously publish the revised version of the Solicitation that includes all of the changes indicated in the Solicitation Addendum. Any explanation, clarification, interpretation or change to the Solicitation made in any other manner is not binding upon the MEDC, and Proposers shall not rely upon such explanation, clarification, interpretation or change. Oral explanations or instructions given before the award of the Contract are not binding.

4.0 PROPOSAL PREPARATION AND CONTENTS

- 4.1 Proposal Preparation or Participation Costs. All costs directly or indirectly related to preparation of a Proposal as well as costs associated with any subsequent exchanges with the MEDC, including but not limited to travel, lodging, food, presentation expenses and all other expenses related to the Proposer's participation in the competitive process, shall be the sole responsibility of the Proposer.
- 4.2 Alternate Proposals. Alternate Proposals shall not be accepted as part of this proposal process.
- 4.3 Proprietary/Confidential Information. All material submitted to the MEDC becomes public property and is subject to the Texas Public Information Act, Chapter 552, Texas Government Code, upon receipt. If a Proposer does not desire proprietary information in the Proposal to be disclosed, each page containing such proprietary information must be identified and marked proprietary at the time of submittal. MEDC, to the extent allowed by law, endeavor to protect such information from disclosure. MEDC may request a review and determination from the Attorney General's Office of the State of Texas, of any Bid contents marked as "Proprietary." A copyright notice or symbol is insufficient to identify proprietary or confidential information.
- 4.4 Proposal Contents. Proposal shall at a minimum include all of the Submittals referenced in this Solicitation, completed, and signed where instructed, including any additional documentation

required in response to specific Submittals. Proposers shall comply with any further instructions included in the Submittals.

- 4.5 All Proposals are valid for a period of one hundred and eighty (180) calendar days subsequent to the RFP closing date unless a longer acceptance period is offered in the Proposal.

E. PROPOSAL SUBMISSION & EVALUATION

5.0 PROPOSAL SUBMISSION AND OPENING

Proposals in response to this solicitation may be submitted using one of the following methods.

- 5.1 Electronic Offers (Proposals). Electronic Proposals (electronic documents) shall be submitted to the MEDC via thumb drive. Electronic Offers shall NOT be submitted by email, facsimile or any other transmission method. Any Electronic Offers submitted outside the MEDC will not be considered.
 - 5.1.1 Due Date and Time for Electronic Proposals. Electronic Proposals in response to this Solicitation shall be submitted by the Offer Due Date and Time displayed in the Important Dates section of the Solicitation Cover Sheet. The system time held by the Magnolia City Secretary's Office shall be the official time of record for Electronic Proposals.
 - 5.1.2 Withdrawing Electronic Proposals. Electronic Proposals submitted in response to this Solicitation may be withdrawn, revised and resubmitted any time prior to the Solicitation's Due Date and Time. Withdrawn Electronic Proposals may be resubmitted, with or without modifications, up to the Solicitation's Due Date and Time.
 - 5.1.3 Late Electronic Proposals. Late Proposals shall not be accepted.
 - 5.1.4 Opening Electronic Proposals. The information regarding Electronic Proposals will become available on or shortly after the Proposal Opening Date and Time as stated on the Solicitation's Cover Sheet. When Electronic Proposals are opened, the names of each Proposer would be read out loud and recorded in the official opening records.
- 5.2 Hardcopy Offers (Proposals). Hardcopy Proposals (physical documents including paper and flash drives) must be returned in a sealed envelope and shall be delivered to the MEDC Offices located below, depending on the delivery method:

Deliveries by US Mail
Magnolia ECONOMIC DEVELOPMENT CORPORATION ATTN: Executive Director, Rachel Steele 18111 Buddy Riley Blvd. Magnolia, Tx 77354
Deliveries by Courier Services (e.g., FedEx, UPS, etc.) and In-Person Deliveries
Magnolia ECONOMIC DEVELOPMENT CORPORATION ATTN: Executive Director, Rachel Steele 18111 Buddy Riley Blvd. Magnolia, Tx 77354

- 5.2.1 Due Date and Time for Hardcopy Proposals. Hardcopy Proposals in response to this Solicitation shall be received by the MEDC via one of the noted delivery methods by the Offer Due Date and Time displayed on the Cover Sheet. The time stamp clock at Magnolia City Secretary's Offices shall be the official time of record for Hardcopy Proposals.

- 5.2.2 Late Proposals. All Hardcopy or Electronic Proposals received after the Solicitation's Due Date and Time will be rejected. Late Hardcopy Proposals that are inadvertently received by the MEDC shall be returned to the Proposer. It is the responsibility of the Proposer to ensure that their Proposal arrives at the proper location by the Solicitation's Due Date and Time.
- 5.2.3 Opening Hardcopy Proposals. The MEDC will open Hardcopy Proposals on or shortly after the Proposal Opening Date and Time (Thursday, July 28, 2022) stated on the Solicitation's Cover Sheet. When Hardcopy Proposals are opened, the names of each Proposer will be read aloud and captured on the official list of proposals that the MEDC Board of Directors will review and consider.

6.0 EVALUATION OF PROPOSALS

- 6.1 Minimum Responsiveness - RFP. Proposals are Minimally Responsive when they include all of the submittal components listed in this Solicitation, completed and with sufficient detail in each to evaluate the Proposal in accordance with Solicitation's Instructions and any further instructions within each Submittal including minimum requirements of the proposal itself. Proposals that are not Minimally Responsive may be rejected.
- 6.2 Clarifications - RFP. Any time after the opening of Proposals, the MEDC may contact Proposers to ask questions about their Proposal's contents in order to better understand these contents as-written. Responses to clarification questions, whether done verbally or submitted in writing, do not change the Proposal's contents. Clarifications are not to be confused with Discussions as described herein.
- 6.3 Evaluation – RFP. Proposals that are Minimally Responsive will be evaluated based on Evaluation Factors listed in the Submittals section of the Solicitation. Evaluation Factors correspond to their specified Submittals and shall indicate their respective weighting next to each. Submittals not identified as Evaluation Factors will be evaluated on a pass / fail basis in accordance with the Solicitation's Instructions and any further instructions within each Submittal. Although minimum responses are required in all Submittals, the Submittals identified as Evaluation Factors will be used to differentiate the Proposals and to identify which Proposal(s) represent the Best Value to the MEDC. The MEDC's evaluation may be made without Clarifications or Discussions with Proposers. Proposals should, therefore, include the Proposer's most favorable terms.
- 6.4 Discussions and Proposal Revisions – RFP. After completing initial evaluations, the MEDC may enter into Discussions with one or more Proposers submitting the highest rated Proposal(s). Following the completion of Discussions, the MEDC may request Proposal revisions from these Proposers. MEDC may seek multiple rounds of Discussions and Proposal revisions as deemed necessary by the MEDC Board of Directors. The MEDC may revise its initial evaluations depending on the contents of any Proposal revisions received following these Discussions.
- 6.5 Interviews/Presentations. MEDC may require that one or more Proposer submitting the highest rated Proposals participate in interviews and/or presentations at the MEDC's sole discretion.
- 6.6 Evaluation Reservations. The MEDC reserves the right to reject or cancel any or all Proposals; reject any Proposals that have material omissions; reject a Proposal submitted by a Proposer who is currently debarred or suspended by the City, County, State or Federal Government; reject any Proposals that contain fraudulent information; evaluate and as applicable; reject Proposals that include unbalanced unit prices; and/or waive any minor informality in any Proposal or procedure so long as the deviation does not affect the competitiveness of a Proposal or the process.

7.0 AWARD DETERMINATION AND AUTHORIZATION

- 7.1 Award Determination. The MEDC Board of Directors will review and score all proposals to determine a responsive proposer or proposers. The MEDC Board of Directors will recommend Contract award to the Proposer(s) submitting the highest rated Proposal(s) based on the Evaluation Factors set forth in this Solicitation.
- 7.2 Contract Formation. After the MEDC has concluded the evaluations, the MEDC Executive Director, on behalf of the Board of Directors, will request contract authorization from MEDC Board of Directors via Board Resolution. Following the MEDC Board's authorization, the MEDC Executive Director and the Selected Proposer will negotiate and execute a Letter of Intent (LOI) leading to the negotiation and execution of a Sales Contract Agreement (SCA). The LOI will clarify the roles and responsibilities of the MEDC and the Selected Proposer while moving forward only with each other to negotiate a SCA. LOI terms may include, but are not limited to, defining the due diligence and negotiation process and deliverables, performance schedule, financial commitments, entitlement and permitting process, right of entry, and conflicts of interest. Terms would also be included for next steps in the event the LOI is terminated without execution of a SCA. The Selected Proposer will also be asked to provide a nonrefundable deposit of \$15,000 at execution of the LOI; these funds will not be used for MEDC staff or consultant costs during the negotiation period, yet may be applied toward property acquisition costs in the event of a successfully completed SCA.

F. DEFINITIONS

8.0 DEFINITIONS

Whenever a term defined by the Uniform Commercial Code, as enacted by the State of Texas, is used in the Contract, the UCC definition shall control, unless otherwise defined in the Contract.

Addendum – means a written instrument issued by the Contract Awarding Authority that modifies or clarifies the solicitation prior to the Due Date. “Addenda” is the plural form of the word.

Best Proposal - the best evaluated Proposal in response to a Request for Proposals or Request for Qualifications/Statements based on the scoring criteria established by the Board of Directors of the Magnolia 4A EDC.

Best Proposer - the Proposer submitting the Best Proposal.

MEDC – means the Magnolia Economic Development Corporation, a Texas general law municipal corporation.

Competitive Sealed Proposal – means a formal competitive process wherein the MEDC invites Proposers to submit Proposals to supply the MEDC with the Goods and/or Services described in the Solicitation document, through which the MEDC and City of Magnolia will award the resulting Contract to the responsible Proposer submitting the Best Proposal.

Contract – means a legal agreement between the MEDC and the Proposer, regardless of what it may be called, for the procurement of goods or services.

Contract Awarding Authority – means the MEDC who is authorized to enter into Contracts .

Due Date and Time – means the date and time specified for receipt of Proposals.

Interested Party – means a person who has a controlling interest in a business entity with whom the MEDC contracts or who actively participates in facilitating the Contract or negotiating the terms of the Contract, including a broker, intermediary, advisor, or attorney for the Proposer

Late Proposal – means a Proposal that is received after the Due Date and time specified in the Solicitation.

Proposal – means a complete, properly signed Proposal to a Request for Proposals.

Proposer -- means a person, firm, or entity that submits a Proposal in response to the MEDC RFP. Any Proposer may be represented by an agent after submitting evidence demonstrating the agent’s authority. The agent cannot certify as to his own agency status.

Request for Proposal (RFP) – means all documents, whether attached or incorporated by reference, utilized for soliciting Proposals.

Responsible Proposer – means the financial and practical ability of the Proposer to perform the Contract and takes into consideration resources, expertise, and past performance of the Proposer as well as compliance with all statutes concerning the purchasing process by the Magnolia 4A Economic Development Corporation (MEDC).

Responsive – means meeting all the requirements of a Solicitation.

Sales Contract Agreement (SCA)- The terms of sale established by and between MEDC and the selected Proposer(s).

Solicitation – means a Request for Proposals or RFP.

G. REQUIRED PROPOSAL SUBMITTALS

10.0 PROPOSAL SUBMITTALS

- 10.1 Executive Summary. Provide an Executive Summary that summarizes your RFP response and confirms that the respondent will comply with the requirements, provisions, terms, and conditions specified in this solicitation. The Executive Summary should be in the form of a standard business letter on official business letterhead and signed by an authorized representative of respondent. Include the complete name and address of your firm, telephone number, and email address of the person the MEDC should contact regarding your firm's response.
- 10.2 Project Concept and Strategy. The MEDC acknowledges that the specific development concept (uses, design, etc.) and the financial projections and terms proposed for the site will be refined over time and through additional due diligence and negotiations. However, the information provided in response to this RFP will describe the Proposer's current intent and will serve as a major consideration in the selection of a Proposer. As such, all future adjustments to the proposed concept and financial terms must be justified as a result of additional information or input received during the planning and negotiation process. Please provide your development concept for the site in narrative form with supporting graphics. This concept must correspond with the Financial Proposal (described below). At a minimum, the development concept should include the following elements (not necessarily in this order):
- 10.2.1 Overall Development Program. Development plan diagram(s) at 1" = 50' or appropriate scale (with a reduction to fit 8-1/2" x 11) that clearly indicates the distribution of land uses, infrastructure, and any other major attributes keyed to a table which quantifies those uses and features.
- 10.2.2 Distribution of proposed land uses i.e., anchor and or satellite sites on the tract including infrastructure, driveway, road, and, commercial/retail square footage, parking, etc.
- 10.2.3 Zoning and Other Development Issues. Proposers should describe if any zoning or regulatory changes are requested and why they are necessary. In addition, the MEDC's selection of a Proposal does not mean the site plan will be accepted or that it meets zoning and permit requirements, as proposed. Proposers should acknowledge and account for any conflicts or issues in developing the proposed development program. All zoning considerations should consult the City of Magnolia's Unified Development Code.
- 10.2.4 Project Timeline for planning, development and construction.
- 10.2.5 Graphics, perspectives and/or photographic images that represent building types in each land use and density category and key identity elements, amenities or other features.
- 10.2.6 Public Information Packet. All Proposers shall also include a project summary of no more than (4)

four pages that describes the overall concept and community benefits that may include a site plan and or conceptual renderings. Please describe and quantify the square footage of uses, acreage, and the overall parking program. Nothing in this submittal may be marked as confidential or proprietary. MEDC may release Public Information Packets from all Proposers once an award recommendation from the MEDC Board to the Magnolia City Council is announced; however, the Public Information Packet from the firm recommended by staff will be included in staff's recommendation to Council for contract authorization.

10.3 Other Community Benefits:

10.3.1 Amenities, Recreational uses or other benefits – Proposals may include additional amenities, uses or other benefits, including business models and philosophies, not contemplated in this original submittal, but the dominant land uses must remain commercial/industrial. There is no opportunity for any type of residential or multi-family component to this development.

10.3.1.1 This may include, but is not limited to, such areas as community retail; music, film and cultural art; workforce and job training; and small and local business participation.

10.3.1.2 The narrative should address any physical amenities or programmatic elements that benefit the project and/or the larger Magnolia community, including opportunities for public art, extension of walking trails that contribute to the placemaking of the overall development and open space.

10.3.1.3 The Proposer's narrative should also describe an implementation strategy to incorporate any and all such community benefits.

10.4 Financial Proposal - Provide the following information:

10.4.1 Offer- the general purchase price of the property

10.4.2 Overall Approach to Financing – Describe your intended approach to project financing, including private and public sources, and identification of potential challenges and uncertainties and corresponding mitigation/risk management strategies. All requests for abatements must be submitted to Magnolia City Council separate from these negotiations.

10.4.3 Offer- the general purchase price of the property

10.5 Proposer Experience & Project Management Plan – The Proposer must provide a description of their qualifications to assume the responsibilities required for this development opportunity, including

10.5.1 Firm History and Presence – Years of development experience as a company, signature projects, size and value of property portfolio, location of offices, total employees, and similar information.

10.5.2 Relevant Development Experience - Narrative and diagrams of the Proposer's relevant development experience. Provide examples of projects of similar scale that are in development, under

construction, or have been successfully completed within the last eight years. Relevant projects may include those with one or more of the following types of attributes: mixed-use development combining residential, commercial, and/or community space; partnerships and/or negotiations with public agency landowners; sustainability and smart growth principles; mixed-income residential components, including market rate and income-restricted units; understanding of community context; and small and local business amenities and resources.

10.6 Evaluation of Proposals

10.6.1 Evaluation Factors: The Magnolia 4A MEDC Board of Directors will review and consider all complete applications based on the following criteria:

RFP Evaluation Factors	Maximum Points
Project Concept and Strategy (Per submittal section 10.2 above)	25
Alignment with project goals and objectives	25
Financial Proposal (Per submittal section 10.4 above)	25
Proposer Experience, Timeline and Management Plan (Per submittal section 10.5 above)	25
Total	100

10.6.2 Interviews and/or presentations, Optional. Interviews or presentations may be conducted at the sole discretion of the City. **Maximum 25 points.**

H. PROPOSAL OFFER SHEET –

The undersigned, by his/her signature, represents that he/she is submitting a Proposal and is authorized to comply with the Solicitation document contained herein. The Proposer, by submitting and signing below, acknowledges that he/she has received and read the entire document packet sections defined above including any addenda issued, and agrees to be bound by the terms therein. Proposals submitted with incomplete and/or unsigned Offer Sheets are not considered to be Offers and will be rejected as non-responsive.

By submitting this Proposal, the Proposer hereby certifies the following:

1. That its firm and its principals are not currently suspended or debarred from bidding on any Federal, State, or County Contracts.
2. That it has not in any way directly or indirectly:
 - a. Colluded, conspired, or agreed with any other person, firm, corporation, Proposer or potential Proposer to the amount of this Proposal or the terms or conditions of this Proposal.
 - b. paid or agreed to pay any other person, firm, corporation Proposer or potential Proposer any money or anything of value in return for assistance in procuring or attempting to procure a contract or in return for establishing the prices in the attached Proposal or the Proposal of any other Proposer.
3. That it has not received any compensation or a promise of compensation for participating in the preparation or development of the underlying Solicitation or Contract documents. In addition, the Proposer has not otherwise participated in the preparation or development of the underlying Solicitation or Contract documents, except to the extent of any comments or questions and responses in the solicitation process, which are available to all Proposers, so as to have an unfair advantage over other Proposers, provided that the Proposer may have provided relevant product or process information to a consultant in the normal course of its business.
4. That it has not participated in the evaluation of Proposals or other decision making process for this Solicitation, and, if Proposer is awarded a Contract no individual, agent, representative, consultant, subcontractor, or sub-consultant associated with Proposer, who may have been involved in the evaluation or other decision making process for this Solicitation, will have any direct or indirect financial interest in the Contract, provided that the Proposer may have provided relevant product or process information to a consultant in the normal course of its business.
5. That it is not presently aware of any potential or actual conflicts of interest regarding this Solicitation, which either enabled Proposer to obtain an advantage over other Proposers or would prevent Proposer from advancing the best interests of the MEDC during the performance of the Contract.
6. That it does not have an employment or other business relationship with any local government officer of the MEDC or a family member of that officer that results in the officer or family member receiving taxable income;
7. That it has not given a local director or officer of the MEDC one or more gifts, other than gifts of food, lodging, transportation, or entertainment accepted as a guest, that have an aggregate value of more than \$100 in the twelve month period preceding the date the officer becomes aware of the execution of the Contract or that

City is considering doing business with the Proposer.

8. That it does not have a family relationship with a local government officer of the City in the third degree of consanguinity or the second degree of affinity.

If the Proposer cannot affirmatively swear and subscribe to the forgoing statements, the Proposer shall provide a detailed written explanation with any solicitation responses on separate pages to be annexed hereto.

Company Name: _____

Company Address: _____

City, State, Zip: _____

City Vendor Registration No. _____

Printed Name of Officer or Authorized

Representative: _____

Title: _____

Signature of Officer or Authorized

Representative: _____

Date: _____

Email Address: _____

Phone Number: _____

I. EXHIBITS –

1. City of Magnolia FM 149 Summary
 - a. Area Map
 - b. Land Use Map
 - c. Zoning Summary
 - d. Utility Map
2. Site Survey
3. Appraisal Report 2022
4. WOTUS Determination

For further questions, please contact the Authorized Contact:

Rachel Steele
Executive Director
Magnolia Economic Development Corporation
rsteale@cityofmagnolia.com
281-305-0546