

**CITY OF MIDLAND, TEXAS
REQUEST FOR PROPOSALS FOR AIRPORT PROPERTY**

The City of Midland, Texas (the “City”), is seeking development proposals (“Proposals”) from parties interested in developing certain City-owned property described herein for a hotel at Midland International Air & Space Port.

The selected proposer will be responsible for all necessary work including, but not limited to, engineering, architecture, construction and overall project management.

SCOPE OF PROJECT

1. The property is described as an approximate 3.99-acre tract consisting of Lots 3A, 4A, and 5A, Block 3, Midland International Airport and Industrial Park Addition, City of Midland, Midland County, Texas (the “Property”).
2. All materials, means, methods and technologies used in design and construction shall meet applicable local, state, and federal requirements including Federal Accessibility Standards. Typical Parking spaces shall be built in accordance with the Manual on Uniform Traffic Code Devices (MUTCD) general principles and standard traffic control device designs.

MINIMUM PROPOSAL REQUIREMENTS

1. City will consider selling the Property to a proposer with a minimum bid of not less than One Million and No/100 Dollars (\$1,000,000.00).
2. Construction of a proposed development project must begin within 18 months of the date of closing of the purchase of the Property; construction of the proposed development project must be completed within 30 months of the date of closing.
3. Proposals must include the construction of a 3-star or higher hotel facility with a restaurant and coffee shop on site.
4. Parking for occupancy of the of the hotel and related facilities must be on-site.

CITY RESERVATIONS

1. City reserves the right to make any transfer or conveyance of the Property to a proposer subject to conditions precedent or subsequent and/or a reversionary

interest to ensure that if the proposer fails to develop the Property under the agreed upon terms and conditions, then title to the Property shall remain with or automatically revert to City.

2. City reserves the right to require an irrevocable letter of credit or other such financial security, in a form acceptable to City, to ensure that the Property is developed in the time and manner set forth in the selected Proposal.

REQUIRED INFORMATION

All Proposals must include the following:

1. Letter of interest (maximum of two (2) single-sided pages);
2. Two (2) years of financial statements that demonstrate financial capabilities of the proposer to successfully complete the proposed development project;
3. Resumes of key team members assigned to the proposed development project;
4. List of projects of similar scope and size with references including a scope of work and project costs for each project;
5. Proof of bonding capability, including payment and performance bonds;
6. Proposal (maximum of 25 single-sided pages, including cover pages, indexes, and letter of interest) to include:
 - a. Project description;
 - b. Cost estimate;
 - c. Project scope;
 - d. Anticipated site plan and building footprint;
 - e. Intended use(s);
 - f. Projected revenues generated for the City of Midland (sales tax, property tax, etc.);
 - g. Total parking requirements; and
 - h. Conceptual sketches and drawings.
7. Project timeline including major milestones; and
8. Any other information/data making the proposer particularly qualified to administer the proposed development project.

SUBMISSION OF PROPOSALS

For submission of a Proposal, please comply with the provisions contained in this Request for Proposals ("RFP"). Proposals shall be submitted in writing and include the minimum requirements set forth herein.

- Proposals must be submitted with (6) complete copies of the Proposal to be comprised of one (1) bound original (3-ring binding preferred), four (4) paper copies, and one (1) electronic copy contained on a portable USB drive.
- Proposals must be printed on 8½” x 11” single-sided, double-spaced pages. Font size should be 11 point or larger with one-inch margins.
- Proposals must be submitted in a sealed package or container. The project name, RFP number, and proposer’s name and address should be marked on the outside of the package or container.
- The RFP number and the published opening date and time must be clearly printed on the lower left corner of the return envelope to ensure receipt of a Proposal.
- Facsimile transmittals or offers communicated by telephone or electronic means will not be accepted or considered.
- Proposal information that is not submitted in sealed packages or containers will not be accepted or considered.
- Statements contained in a Proposal must be unambiguous and include adequate elaboration where necessary.

Mail or deliver Proposals to the following address:

City of Midland, Texas
Regina Stephenson
General Services Director
300 N. Loraine Street, Suite 220
Midland, Texas 79701

DELIVERY OF SUBMITTALS

Proposals must be received in the Purchasing Office no later than Thursday, December 1, 2022 at 2:00 PM (CST). Proposers are responsible for the means of timely delivering the Proposals. Delays due to any instrumentality used to transmit the Proposals (including delay occasioned by the proposer or City’s internal mailing system) are the sole responsibility of the proposer. **Late Proposals will not be accepted under any circumstance.**

PROPRIETARY INFORMATION

If a proposer does not desire proprietary information in the Proposal to be disclosed, the proposer must identify all proprietary information in the Proposal. This identification must be done by marking each page with the words “Proprietary Information” on which proprietary information is printed. If a proposer fails to identify proprietary information contained in its

Proposal, said proposer acknowledges and agrees that such information shall be deemed non-proprietary and made available upon public request.

The confidentiality of Proposals will be protected by City to the extent permitted by law. Upon the City's selection and acceptance of a Proposal, all submitted Proposals become a matter of public record under Chapter 552 of the Texas Government Code, and upon request, shall be open for public inspection, except for those portions of each Proposal that are clearly marked as proprietary. If a request for proprietary information is made, City will notify the proposer who may then request an opinion from the Attorney General of the State of Texas as to whether such information must be disclosed pursuant to Section 552.305 of the Texas Government Code. A determination as to whether certain information may be withheld from public disclosure shall be exclusively made by the Office of the Attorney General. City shall in no way be liable or responsible for the disclosure of any such records or portions of a Proposal not clearly marked as proprietary, or if disclosure is required by Chapter 552 or other applicable law or judicial order.

CLARIFICATIONS AND ISSUANCE OF ADDENDA

An explanation, clarification, or interpretation desired by a proposer regarding any part of this RFP must be submitted in writing to Justine Ruff, Director of Airports, at least fifteen (15) calendar days prior to the published submission deadline.

If City, in its sole discretion, determines that a clarification is required, such clarification shall be issued in writing. Interpretations, corrections, or changes to the RFP made in any other manner are not binding upon City, and proposers should not rely upon such interpretations, corrections or changes. All other explanations or instructions given before the selection of a Proposal are not binding.

Requests for explanations or clarifications may be emailed to jruff@midlandtexas.gov. Emails and faxes must clearly identify the number and title of this RFP.

Any interpretations, corrections or changes to this RFP will be made by addendum. Sole issuing authority of addenda shall be vested in City. Proposers shall acknowledge receipt of all addenda within the responses.

PERIOD OF ACCEPTANCE

Proposer acknowledges that by submitting a Proposal, proposer is making an offer that, if accepted in whole or part by City, constitutes a valid and binding contract as to all items accepted in writing by City. The period of acceptance of Proposals is ninety (90) calendar days from the date of opening. City maintains final authority over the period of acceptance.

TAX EXEMPTION

City is exempt from federal excise and state sales tax.

All costs directly or indirectly related to the preparation of a response to this RFP or any oral presentation required to supplement and/or clarify Proposals that may be required by City shall be the sole responsibility of and shall be borne by the proposer.

NEGOTIATIONS

City reserves the right to negotiate all elements that comprise the selected Proposal to ensure that the best possible consideration be afforded to all concerned.

NON-ENDORSEMENT

If a Proposal is accepted, the successful proposer shall not issue a press release or other statement pertaining to the award or servicing of the agreement that states or implies City's endorsement of the Proposal or proposer's services.

WAIVER OF ATTORNEY FEES

BY SUBMITTING A PROPOSAL, PROPOSER AGREES TO WAIVE AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST CITY, REGARDING THE AWARD OF ATTORNEY'S FEES WHICH ARE IN ANY WAY RELATED TO THIS RFP. THE PROPOSER SPECIFICALLY AGREES THAT IF THE PROPOSER BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS RFP, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, THE PROPOSER AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH PROPOSER MIGHT OTHERWISE BE ENTITLED.

PROPOSER AGREES THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY EXISTING KNOWN RIGHT. PROPOSER ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THIS RFP. THE PROPOSER FURTHER ACKNOWLEDGES AND AGREES THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND PROPOSER. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OF GOVERNMENTAL IMMUNITY.

RELEASE

NOTWITHSTANDING ANY OTHER PROVISION HEREOF, BY SUBMITTING A PROPOSAL, A PROPOSER AGREES TO RELEASE, RELINQUISH, ACQUIT AND FOREVER DISCHARGE CITY OF MIDLAND AND CITY OF MIDLAND'S EMPLOYEES AND OFFICERS, FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH PROPOSER HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, DUE PROCESS AND TAKINGS CLAUSES UNDER THE TEXAS AND UNITED STATES CONSTITUTION, TORT CLAIMS OR CITY OF MIDLAND'S NEGLIGENCE.

COMPLIANCE

Proposer agrees that it shall comply with Texas Government Code Section 2252.908, as amended. Proposer agrees that it shall comply with Texas Local Government Code Section 176.006, as amended. For further instructions on how to comply with Texas Government Code Section 2252.908 and Texas Local Government Code Section 176.006, please go to https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

and https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm.

AUTHORIZED NEGOTIATOR

Proposals must include the name, address and telephone number of the person in the proposer's organization authorized to negotiate contract terms and render binding decisions on contractual matters.

CENTRAL POINT OF CONTACT

Proposals must include a central point of contact to establish service, resolve issues and end service. Proposals must describe a proposer's ability to address customer service matters.

DISQUALIFICATION OF PROPOSERS

Proposers may be disqualified for any of the following reasons:

- Upon City's belief that collusion exists among proposers;
- A proposer is involved in any litigation against the City of Midland, Texas;
- A proposer is in arrears on an existing contract or has defaulted on a previous contract with the City of Midland, Texas;
- City's determination that proposer lacks financial stability to complete the proposed development project;
- A proposer's failure to perform under previous or present contracts with the City of Midland, Texas; and

- A proposer’s non-compliance with criteria contained in this RFP.

SELECTION CRITERIA

City and/or City’s selection committee may make its selection based on the following selection criteria.

- | | |
|------------------------------------|-----------|
| 1. Bid amount | 35 points |
| 2. Project team qualifications | 15 points |
| 3. Financial capabilities | 15 points |
| 4. Expediency of proposal timeline | 15 points |
| 5. Concept aesthetics | 15 points |
| 6. Intangible elements | 5 points |

EVALUATION AND SELECTION

City may make a selection, if any, from Proposals submitted in accordance with the terms and conditions of this RFP. City reserves the right to accept or reject any Proposal, re-solicit for Proposals, and to terminate the selection process at any time as it shall deem to be in the best interests of City. City’s receipt and consideration of any Proposal shall not obligate City to accept a Proposal.

If a selection is made, a scope of work and contract will be negotiated with the selected proposer. City staff may make recommendations to the Midland City Council regarding the execution of a contract with the chosen proposer. If a contract cannot be negotiated with the proposer of the highest rated Proposal, City reserves the right to initiate contract negotiations with the proposer of the next highest rated Proposal; this process may continue until City successfully negotiates a contract or until all negotiations cease. A negotiated contract shall not become effective unless and until approved by the Midland City Council.

TERMS AND CONDITIONS

City reserves the right to modify, delete or further negotiate any or all the terms and conditions related to the RFP or an award of a contract.

“AS IS”

Conveyance of the Property shall be “AS IS” with any and all latent and patent defects.

ERRORS OR OMISSIONS

Proposers will not be allowed to benefit from any errors or omissions in this RFP. If errors or omissions appear in this RFP, Proposers shall promptly notify City in writing of such errors or

omissions. Significant errors, omissions or inconsistencies in this RFP are to be reported no later than twenty (20) days prior to the submission deadline.

By executing and submitting a Proposal, the proposer hereby represents and warrants to City that: (i) proposer has read and understands this RFP and such Proposal is made in accordance with this RFP; (ii) proposer agrees to be bound by the terms and conditions of this RFP, which include certain waiver provisions; and (iii) proposer acknowledges that it had the right and opportunity to consult with competent legal counsel regarding the above.

The waiver of attorney's fees and release provisions contained herein include but are not limited to:

- **The administration, evaluation or recommendation of any Proposal;**
- **Waiver or deletion of any of the requirements of this RFP;**
- **Acceptance or rejection of any Proposal;**
- **The selection of any Proposal; and**
- **City's right to waive, delete or amend (i) the terms and conditions of this RFP, and (ii) the requirements connected with this RFP; and**
- **City's right to reject any and all Proposals.**

Lots 3A, 4A, and 5A, Block 3

Flood Zone Map



Legend	
	Identified Features
	City Limit
	Floodway
	100 Year Floodplain
	Zone A
	Zone AE
	Zone AH
	500 Year Floodplain
	Flood Exemptions
Points Of Interest	
	Post Office
	Chamber of Commerce
	Other Theatre
	Medical
	Library
	Animal Control
	Stadium
	Police Station
	Cemetery
	Golf Course
	Fire Station
	Museum
	Courthouse
	City Hall
	Midland Central Appraisal District
	Airport
	Major County Road
	State
	Federal
	Street

PACKET

City of Midland
300 N. Loraine
Midland, Texas 79701

DISCLAIMER: THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA. While this data is made available to the public, it was created for internal use by the City of Midland which makes no claim as to its accuracy or completeness. This data is not designed to be used as a primary tool in permitting, citing, or other decisions based solely on this information.

Scale

12.11

September 27, 2012

Exhibit "A"

**MIDLAND INTERNATIONAL AIRPORT
INDUSTRIAL PARK**

Including Sections 2, 4, and 5 and Lower Areas

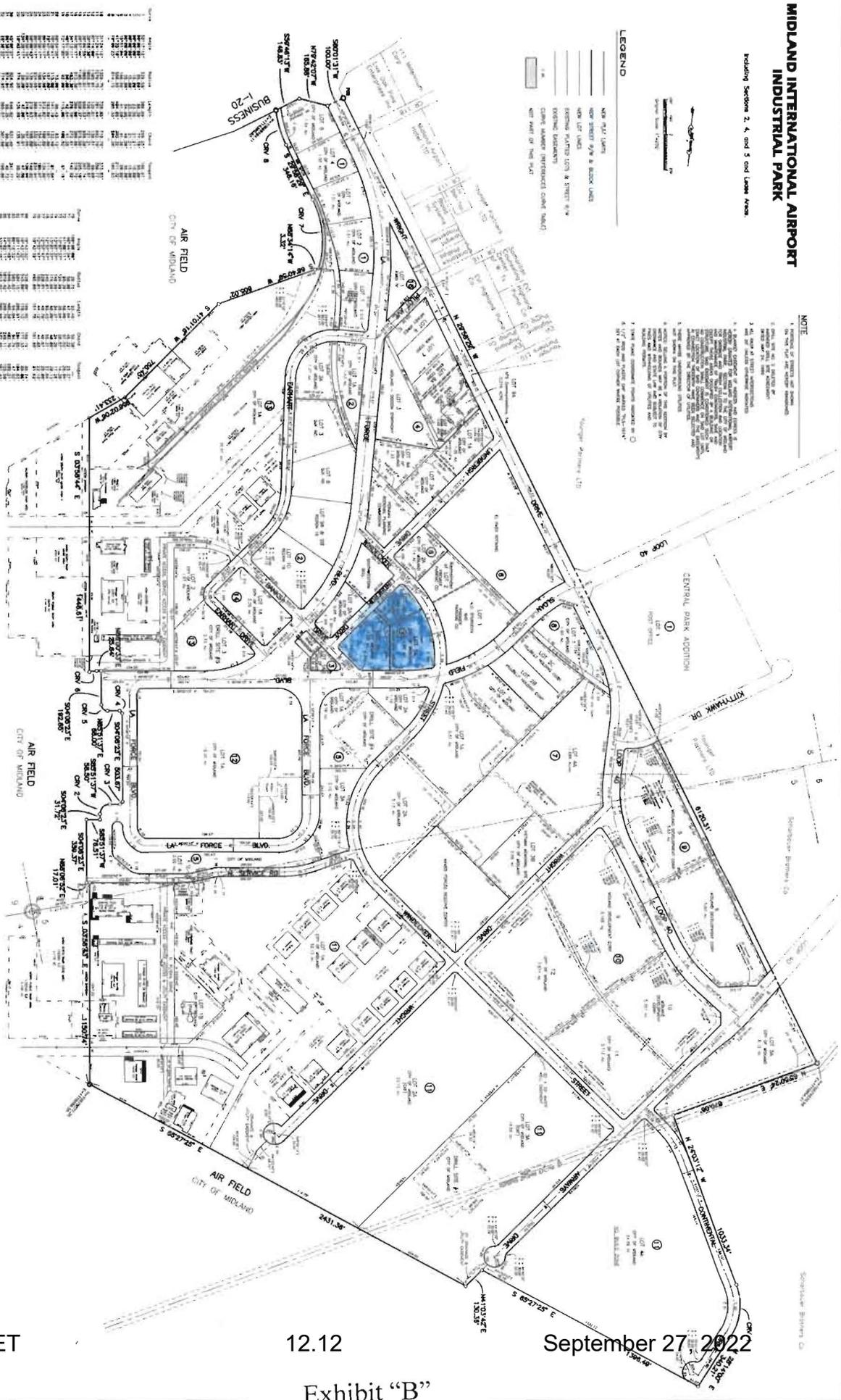
LEGEND

- NEW POLY LINE
- EXISTING 2" W & BBOX LINE
- NEW LOT LINE
- EXISTING PLATTED LOT & STREET W & EXISTING EASEMENT
- EXISTING EASEMENT
- EXISTING ADJACENT INTERESTS (CONTRACTS)
- NEW AREA OF THIS MAP



NOTE

1. THIS MAP IS A REVISION OF THE MAP OF THE INDUSTRIAL PARK ADDITION TO THE MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY OF MIDLAND, TEXAS, AS SHOWN ON MAP NO. 100,000,000, DATED 1988.
2. THIS MAP IS A REVISION OF THE MAP OF THE INDUSTRIAL PARK ADDITION TO THE MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY OF MIDLAND, TEXAS, AS SHOWN ON MAP NO. 100,000,000, DATED 1988.
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SECTION 2, 4, AND 5

**MIDLAND INTERNATIONAL AIRPORT
INDUSTRIAL PARK**

PACKET

12.12

September 27, 2022

Exhibit "B"