



**REQUEST FOR PROPOSALS (RFP) NO. 2022-142**

**CLOSING DATE AND TIME: THURSDAY, AUGUST 25, 2022 -2:00 P.M.**

**DEVELOPMENT OF 5025 KIAMESHA WAY, MESQUITE, TX**

**PROPOSALS SHALL BE SUBMITTED ON THIS FORM**

The City of Mesquite, Texas ("City") invites sealed proposals from all qualified developers desiring to purchase and develop the single-family residential lot listed at the above location and complying with the following development criteria as listed herein.

A pre-proposal conference will be held **at 2:00 p.m. on Wednesday, August 17, 2022, at City of Mesquite City Manager's Office located at 1515 N. Galloway Avenue, Mesquite, TX 75149.** Although it is not required, prospective Proposers are encouraged to attend this conference.

A sealed copy of the bid proposal may be submitted by courier or hand delivered to Ryan Williams, Manager of Purchasing, City of Mesquite, 1515 N. Galloway, Mesquite, Texas 75149. Proposals may also be mailed to Ryan Williams, Manager of Purchasing, City of Mesquite, P.O. Box 850137, Mesquite, Texas 75185-0137. Mark envelope in lower left corner "RFP No. 2022-142; Development of 5025 Kiamesha Way, Mesquite, TX," so that the proposals will not be opened until the appointed hour. Proposals may also be submitted by courier, hand delivered **in a sealed envelope or box** to Ryan Williams, Manager of Purchasing, City of Mesquite, 1515 N. Galloway Avenue, Mesquite, Texas 75149. Proposals submitted must be received before proposal closing on **Thursday, August 25, 2022, at 2:00 p.m.** Faxed bid proposals will not be accepted.

***GENERAL CLAUSES AND CONDITIONS***

1. If you have questions regarding the preparation of your proposal, you may contact: [purchasing@cityofmesquite.com](mailto:purchasing@cityofmesquite.com).
2. Proposers who do not respond to this particular proposal, but who want to remain on the mailing list for future opportunities shall indicate "NO PROPOSAL" on the face of this page by putting the date and signed by the authorized representative of the company and return this page to the Purchasing Office. Your assistance in this matter is greatly appreciated.

3. Protection of Resident Workers: The City of Mesquite actively supports the Immigration and Nationality Act (INA), which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Proposer shall establish appropriate procedures and controls so no services or products under the Proposal Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.
4. Laws and Ordinances: The Proposer shall at all times observe and comply with all Federal, State, and local laws, ordinances, and regulations which in any manner affect the Contract or the work and shall indemnify and save harmless the City against any claim arising from the violation of any such laws, ordinances, and regulations whether by the Contractor or his employees.
5. Proposals must be **received as one (1) original and six (6) complete copies of the entire response with two (2) consolidated electronic copy of files in PDF format on a USB Flash Drive**, prior to the closing date and time to be considered. Proposals must be submitted in sufficient time to be received and time-stamped at the above location on or before the published date and time shown on the RFP. The City of Mesquite will not be responsible for mail delivered from the post office. Proposals received after the published time and date cannot be considered and will be returned unopened.
6. Proposals will be received and publicly acknowledged at the location, date and time stated above. Only the name of the Proposers responding to this RFP shall be released at the proposal opening. Other information submitted by the Proposer shall not be released by the City during the proposal evaluation process or prior to contract award. At no time will confidential information, as noted by the Proposer, be released.
7. Proposer shall attach official documentation from the Texas Secretary of State or other qualified certification agency of M/WBE status of your company with proposal. This data is for informational purposes only and will not affect the bid proposal award.
8. A completed W-9 form will be required within five business days by the selected Proposer once notification has been received.
9. In submitting an offer, Proposer certifies that they have not participated in, nor have they been party to any collusion, price fixing or any other illegal or unethical agreements with any company, firm or person concerning the pricing offered.
10. The attached Non-Exclusion Affidavit for General Contractors must be signed, notarized, and submitted with bid proposal.
11. A representative of the proposing entity who is authorized to enter into contract on behalf of the proposing entity must manually sign proposals in ink. The person signing the proposal must indicate his/her title along with signature. Proposals received without proper signature will not be considered.

12. Any ambiguity in the proposal as a result of omission, error, lack of clarity or non-compliance by the Proposer with development criteria, instructions and all conditions shall be construed in favor of the City.
13. The City reserves the right to reject any and all proposals, waive any defects, irregularities, or formalities and to make award of proposal as may be deemed to the best advantage of the City. No proposal may be withdrawn within forty-five (45) days after date of opening.
14. The City further reserve the right to waive minor deviations from specifications, conditions, terms, or provisions of the solicitation, if it is determined that waiver of the minor deviations improves or enhances the City's business interests under the solicitation; and/or to extend any contract when most advantageous to the City, as set forth in this solicitation.
15. The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether or not that proposal is selected.
16. The City is not liable for any cost incurred by Proposers in replying to this RFP. This includes but is not limited to, costs to determine the nature of the proposal, submitting, negotiating, presentations or any other costs a Proposer would incur in responding to the RFP.
17. Proposers shall complete all information requested and blanks provided shall be filled in on the provided forms. Failure to completely describe the development being proposed may result in rejection of the bid proposal.
18. The City reserves the right to evaluate variations from these development criteria. Failure to completely describe the development being proposed may result in rejection of the proposal.
19. It shall be understood all proposals, responses, inquiries, or correspondence relating to or in reference to this RFP, and all reports, charges and proposal or referencing information submitted in response to this RFP shall become the property of Mesquite and will not be returned. The City will use discretion with regard to disclosure of proprietary information contained in any response but cannot guarantee information will not be made public. As a governmental entity, the City is subject to making records available for disclosure.
20. All restrictions on the use of data contained within a proposal and all confidential information must be clearly stated in the RFP. Proprietary information submitted in a proposal, or in response to the RFP, will be handled in accordance with the Texas Public Information Act and other applicable State statutes.
21. It is the Proposer's responsibility to check for any addendums that might have been issued before the proposal closing date and time.
22. The proposal evaluation process will occur after the closing date. The City's evaluation process will commence after the closing date. An evaluation team will review the proposals. Financial terms will not be the sole determining factor in this award. Other criteria described in this RFP will be considered, as well as any other factors the evaluation team determines may affect the suitability of the proposal for the City's requirements. A Proposer's submission of a proposal constitutes their acceptance of the evaluation technique.

## ***SPECIAL PROVISIONS***

1. The successful Proposer's rights and duties awarded by the contract may not be assigned to another without written consent of the City signed by the City's authorized agent. Such consent shall not relieve the assigned of liability in the event of default by the assignee.
2. Any deviations from development criteria and alternate proposals must be clearly shown with complete information provided by the proposer. They may or may not be considered by the City.
3. The City reserves the right to require additional information and negotiate all elements, which comprise the Developer's proposal to ensure that the best possible consideration be afforded to all concerned. The City reserves the right to accept all or part of any proposal, to reject any or all proposals and to re-solicit for proposals.
4. Submission of a proposal indicates the proposer agrees to the terms, conditions, and other provisions contained in the RFP, unless the proposer clearly and specifically presents in its proposal any exceptions to the terms, conditions, and other provisions contained in the RFP. Exceptions presented in a proposal are not to be considered incorporated into the final contract between the City and the selected proposer unless and until the expressly City agrees to accept such exceptions.
5. By submitting a proposal, the proposer expressly understands and agrees the City is currently clarifying interest in the Site. The City cannot say with certainty the nature of interest the City currently has in the Site, if any, nor can the City say with certainty what the nature of the interest in the Site will be, if acquired. Furthermore, the proposer understands and agrees the City will only be able to transfer the same interest in the Site it receives or has, if any.
6. WAIVER OF CLAIMS: EACH PROPOSER BY SUBMISSION OF A RESPONSE TO THIS RFP WAIVES ANY CLAIMS IT HAS OR MAY HAVE AGAINST THE CITY, ITS CONSULTANTS, AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, MEMBERS, DIRECTORS AND PARTNERS; THE CITY'S REPRESENTATIVE AND ITS EMPLOYEES, OFFICERS, MEMBERS, DIRECTORS AND PARTNERS; AND THE CITY, ITS EMPLOYEES, OFFICERS AND ELECTED OFFICIALS, AGENTS, REPRESENTATIVES, THAT ARE CONNECTED WITH OR ARISING OUT OF THIS RFP, INCLUDING BUT NOT LIMITED TO, THE ADMINISTRATION OF THE RFP, THE RFP EVALUATION, THE SELECTION OF QUALIFIED PROPOSERS TO RECEIVE A RFP, AND THE CITY'S INTEREST IF ANY IN THE SITE. SUBMISSION OF A PROPOSAL INDICATES PROPOSER'S ACCEPTANCE OF THE CONSEQUENCES RELATED TO THE UNCERTAINTY OF THE CITY'S INTEREST IN THE SITE, ACCEPTANCE OF THE EVALUATION TECHNIQUE, AND PROPOSER'S RECOGNITION THAT SOME SUBJECTIVE JUDGMENTS MUST BE MADE BY THE CITY DURING THE EVALUATION OF THE PROPOSALS RECEIVED. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, EACH PROPOSER ACKNOWLEDGES THAT THE BASIS OF SELECTION AND THAT THE EVALUATIONS SHALL BE MADE PUBLIC IN ACCORDANCE WITH APPLICABLE LAW AND WAIVES ANY CLAIM IT HAS OR MAY HAVE AGAINST THE ABOVE-NAMED PERSONS, DUE TO INFORMATION CONTAINED IN SUCH EVALUATIONS.
7. If subcontracting with another company or individual is proposed, that fact, along with providing the same information for the subcontractor that is required to be provided by the bidder under this solicitation, must be provided and clearly identified in the bid. Following the award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City.

8. All questions must be submitted via email by **2:00 p.m., Friday, August 19, 2022**, to Ryan Williams, Manager of Purchasing at [purchasing@cityofmesquite.com](mailto:purchasing@cityofmesquite.com) prior to proposal closing date.
9. Proposers shall fill out the following required documents, as noted in the RFP. If the following forms are not included, the bid proposal may be considered non-responsive.

**Check List:**

- Conflict of Interest Questionnaire
- Non-Exclusion Affidavit for General Contractors
- Prohibition On Contracts With Companies Boycotting Israel - House Bill 89 Form
- References
- Proposer's Signature Page
- Proposal Sheet
- IRS W-9 Form
- Secretary of State Filing Certificate

## CONTRACTING WITH THE CITY OF MESQUITE

Updated: January 8, 2016

### **Conflict of Interest Questionnaire And Disclosure of Interested Parties (Form 1295)**

YOU WILL BE REQUIRED TO COMPLY WITH THE FOLLOWING:

Chapter 176 of the Texas Local Government Code is an ethics law that was initially enacted by the Texas Legislature with HB 914 in 2005 that requires disclosure of employment and business relationships local government officers may have with contractors, consultants and vendors who conduct business with local government entities. The law applies to any written contract for the sale or purchase of real property, goods, or services. Further information regarding Texas Conflict of Interest laws and the ***Conflict-of-Interest Questionnaire*** (FORM CIQ) can be found at the Texas Ethics Commission web site at the following web address:

[https://www.ethics.state.tx.us/filinginfo/conflict\\_forms.htm](https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm)

PLEASE COMPLETE THE ATTACHED FORM CIQ AND SUBMIT WITH YOUR RESPONSE.

Section 2252.908 of the Texas Government Code was enacted in 2015, by the Texas Legislature pursuant to HB 1295, which provides that a governmental entity may not enter into certain contracts with a business entity on or after January 1, 2016, unless the business entity submits a disclosure of interested parties (FORM 1295) to the governmental entity at the time the business entity submits the signed contract to the governmental entity. Further information regarding the disclosure of interested parties' law and FORM 1295 can be found at the Texas Ethics Commission web site at the following web address:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm\\_](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm_)

PLEASE DO NOT COMPLETE FORM 1295 UNTIL YOU HAVE BEEN NOTIFIED OF CONTRACT AWARD AND REQUESTED TO ELECTRONICALLY FILE FORM 1295 WITH THE TEXAS ETHICS COMMISSION.

# CONFLICT OF INTEREST QUESTIONNAIRE

# FORM CIQ

For vendor doing business with local governmental entity

**This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.**

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

### OFFICE USE ONLY

Date Received

**1 Name of vendor who has a business relationship with local governmental entity.**

**2**  **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

\_\_\_\_\_  
Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.



## **Standards of Conduct**

The City of Mesquite conducts business with the public, business partners, vendors, and contractors under a set of rules to ensure that all City officials and employees discharge their duties in a manner designed to promote public trust and confidence in our city. This code of ethics, titled Standards of Conduct, is taken from the Mesquite City Code, Chapter 2, Art. IV, Sec 2-123.

The City wants you to be aware of the rules that its employees are required to follow while performing their services to you. A violation of state or federal statutes may occur if these rules are broken. It is hoped that by outlining these rules for you, your experience in dealing with the City of Mesquite will be both rewarding and satisfactory.

### **Acceptance of Gifts or Gratuities**

Accepting gifts or gratuities by employees in consideration for the performance of their duties, or as an appreciation for their performance, is strictly prohibited.

- Please do not offer employees any gift, loans, or any other thing of value.
- Employees may not receive any fee or compensation for their services from any source other than the City, so please do not offer.
- Please do not offer to buy meals for employees.
- Employees may accept coffee, tea, soft drinks, snacks, etc. when attending meetings in your office.
- Letters to supervisors for exceptional service by employees are always welcome.

### **Conflicts of Interest**

Employees are prohibited from engaging in any outside activities that conflict with, or have the appearance of conflicting with, the duties assigned to them in the employment of the City.

- Please do not ask employees for any special favor or consideration that is not available to every other citizen.
- Please do not ask an employee to disclose any information that is not available to every other citizen through normal public information channels.
- Please do not offer to compensate the employee by offering to hire, or do business with any business entity of the employee or family member
- Do not ask employees to represent you or your company or make any recommendations on your behalf other than those that are a part of their official duties with the City.
- Please do not ask employees to endorse the products or services of your company.
- Please do not ask employees to hand out or post advertising materials.

### **Solicitation by City Employees**

Employees may not solicit gifts, loans, or any other items of value from people doing City business that will be used by them personally.

- If you are asked to pay a fee for services that you believe is improper or illegal, please contact the City's Ethics Officer at **972-329-8723**. (payments should only be made to designated cashiers or clerks)
- Employees are prohibited from taking retaliatory action against you for failing to comply with any request unless the request is within the scope of the employee's official duties for the City.

### **Use of City Equipment, Facilities and Resources**

Use of City equipment, facilities and resources is authorized only for City purposes and for those activities permitted by City ordinance and policy.

- Please do not ask employees to use City equipment to run errands or perform tasks for your benefit.
- Employees may not perform tasks, nor conduct any business not related to their official duties while on City time.

### **Your Rights and Expectations**

When dealing with employees of the City of Mesquite you have the right to honest, fair, and impartial treatment. You may expect prompt, courteous, and professional service from our employees who are expected to understand and practice good customer service skills. Employees are tasked to uphold the public trust through the ethical performance of their duties. We understand that the enforcement of regulatory guidelines and codes may sometimes be a cause for concern; however, you may rest assured that we are responsible to all of the citizens of Mesquite and our goal is to serve them to the best of our ability.

**Should you have any concerns or questions concerning this information or the conduct of any of our employees please contact the City's Ethics Officer at 972-329-8723.** All calls to the City's Ethics Officer are confidential and your name (or any other identifying information) will not be disclosed.

Cliff Keheley  
City Manager

**Non-Exclusion Affidavit for General Contractors**

Federal, state, and local government agencies, not-profits, and other organizations that use federal money to fund all or part of any program or project are required to follow specific requirements regarding the use of such federal funds. One of these requirements is that no contract, subcontract, grant, financial assistance, or other forms of assistance provided using federal funds may be awarded to individuals or entities that have been suspended, debarred, or otherwise excluded from participation in federally funded programs.

The U.S. federal government maintains a Web site known as the "System for Award Management" (SAM) at [www.sam.gov](http://www.sam.gov). One of the purposes of the SAM Web site is to provide a comprehensive list of all individuals, firms, and other entities that have been suspended, debarred, or otherwise excluded from participation in federally funded contracts, subcontracts, grants, etc. SAM provides a simple means of helping government, non-profit agencies, and other organizations ensure that they do not award federally funded grants, contracts, subcontracts, or other financial or non-financial benefits to any individual, firm, or other entity that has been excluded by any agency from participation in such federally funded activities.

I, \_\_\_\_\_ (Contractor Representative), hereby certify that neither I nor \_\_\_\_\_ (Name of the company or organization I represent) nor any subcontractors that I or said company may employ to work on any federally funded activity have been suspended, debarred, or otherwise excluded by any federal agency from participation in any federally funded activity. I further acknowledge my understanding that, before entering into a contract with me or with the company or organization I represent, City of Mesquite staff will perform a search on [www.sam.gov](http://www.sam.gov) to verify whether I, the organization I represent, or any subcontractors I may employ to work on any federally funded activity, have been excluded from participation in any federally funded activity.

\_\_\_\_\_  
Signature of Contractor Representative

\_\_\_\_\_  
Date

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_

Notary Public in and for \_\_\_\_\_ County, \_\_\_\_\_ (Insert State Name)

**PROHIBITION ON CONTRACTS WITH  
COMPANIES BOYCOTTING ISRAEL**

House Bill 89, effective September 1, 2017, amended the Texas Government Code to add Chapter 2270, Prohibition on Contracts with Companies Boycotting Israel. Effective September 1, 2017, a state agency, and a political subdivision (which includes a city) may not enter a contract with a company for goods or services unless the contract contains a written verification from the company that; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract.

“Boycott Israel” is defined to mean refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. “Company” is defined to mean a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

I, the \_\_\_\_\_  
(Name of Certifying Official) (Title or Position of Certifying Official)

of \_\_\_\_\_, does hereby verify on behalf of said  
(Name of Company)

company to the City of Mesquite that said company does not Boycott Israel and will not Boycott Israel (as that term is defined in Texas Government Code Section 808.001) during the term of this contract.

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date of Certification

## **REFERENCES**

Five (5) Work References (Include: Names, Addresses, Phone Numbers, Email Addresses, Dates, Work Description and Contract Amounts).

1. \_\_\_\_\_  
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2. \_\_\_\_\_  
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3. \_\_\_\_\_  
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4. \_\_\_\_\_  
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5. \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

## PROPOSAL EVALUATION

RFP shall be awarded to the best value proposal. The proposals will be evaluated on the factors outlined below which shall be applied to all eligible, responsive proposals in selecting the successful Offer. Award of a contract may be made without discussion with proposers after responses are received. Proposals should, therefore, be submitted on the most favorable terms.

### ***Sealed Proposal Submission***

Proposals shall be sealed and clearly marked with the Proposer's name and return address and indicate the proposal number and title. Facsimile or email submitted proposals **will not** be accepted. Responses received after the deadline cannot be considered and will be returned unopened. The City is not responsible for delays occasioned by the U.S. Postal Service, the internal mail delivery system of the City, or any other delivery method employed by the Proposer.

Proposers or their authorized representatives are expected to inform themselves as to the general terms and conditions, requirements, and development criteria of this RFP before submitting proposals. Failure to do so will be at the proposer's own risk.

#### CRITERIA FOR EVALUATION IN ORDER OF IMPORTANCE:

- |   |     |
|---|-----|
| 1. Overall Development Concept                    | 50% |
| 2. Experience with Infill Residential Development | 20% |
| 3. Price for Site                                 | 20% |
| 4. Developer Qualifications                       | 10% |

Negotiations may be conducted with responsible proposers who submit proposals determined to be susceptible of being selected for award. **All Proposers will be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals.** Revisions to proposals may be permitted after submission and before award for the purpose of obtaining best and final offers.

After negotiations the City will present a contract reflecting the agreements reached between the City and the selected proposer during the negotiation process subsequent to the RFP award, to Mesquite City Council for approval. Approval by the Mesquite City Council and signature by authorized representatives will result in the final and binding contract between the City and the selected Proposer.

# PROPOSAL INFORMATION

## SECTION 1 – INTRODUCTION

The City is seeking proposals from experienced single-family residential developers to develop an infill vacant City-owned lot (“the Site”) into low-density, single-family residential compatible with the adjacent neighborhood and in conformance with the City’s Comprehensive Plan.

### 5025 Kiamesha Way

DCAD ID: 38047500010160000

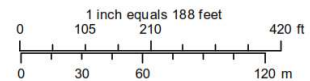
Date of copy: 7/22/2022



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Dallas Central Appraisal District  
2949 N Stemmons Freeway  
Dallas, TX 75247-6195  
(214) 631-1342  
www.dallascad.org



DCAD, NCTCOG, USGS, Esri, Inc

The development shall be pursuant to applicable sections of the Texas Local Government Code and Mesquite Code of Ordinances, in accordance with the terms, conditions, and requirements set forth in this Request for Proposals (“RFP”).

PROPOSERS ARE ENCOURAGED TO FULLY READ THE INFORMATION CONTAINED IN THIS RFP CAREFULLY AND TO SUBMIT A COMPLETE RESPONSE TO ALL REQUIREMENTS AND QUESTIONS AS DIRECTED.

### 1.1 The Opportunity:

City is seeking to sell the Site at or above fair market value to an experienced developer in order to develop the property as single-family residential. The Site presents an excellent opportunity for single-family infill residential development. The future developed Site should include a home that ranges in price, character and density as compared to the surrounding neighborhood.

### 1.2 The Desired Outcome:

The highest and best use of the Site is low density, single-family residential.



Low Density Residential represents a traditional single-family detached neighborhood where each dwelling unit is located on an individual lot. Densities may vary from one neighborhood to the next as well as within the same subdivision to encourage diverse housing options.

New low density residential should be buffered and/or protected from major roadways, but accessible to the major roadway network and commercial establishments.

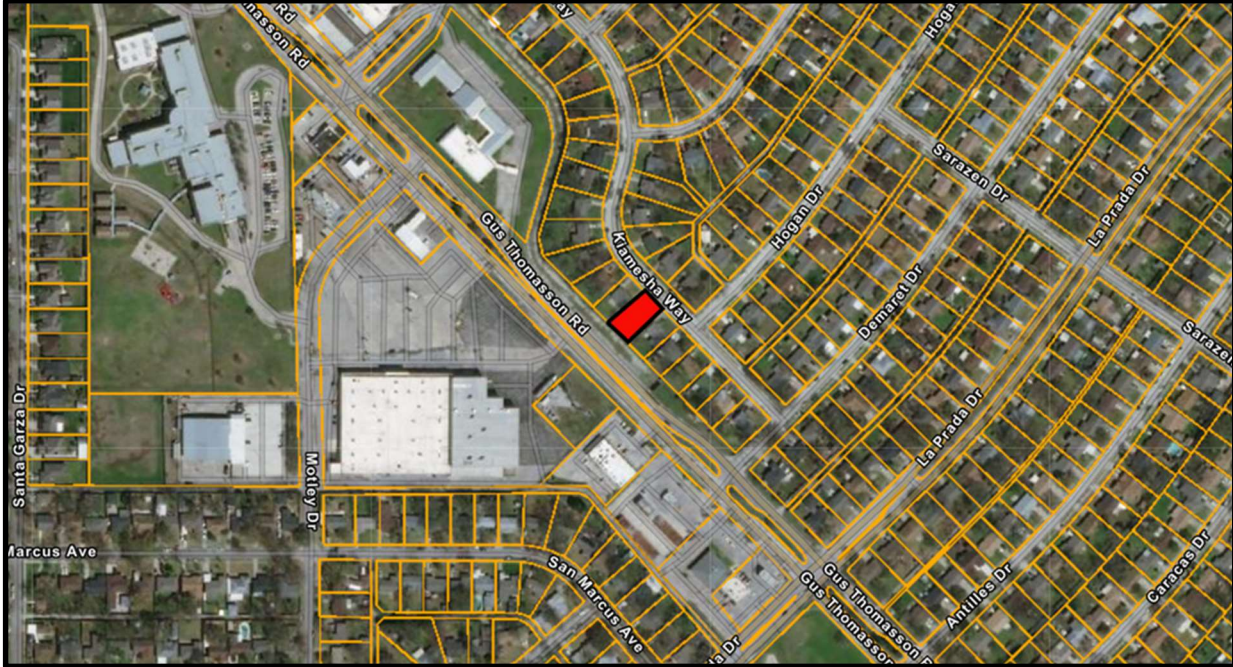
Pedestrian connectivity is crucial to the character and health of a community. The development should coordinate pedestrian routes with existing park and trail planning efforts to encourage children to walk and bike to school on safe routes, thus promoting more use of the parks by students attending those schools. The benefit is that, with an increased use of parks, children attending the nearby elementary school will be more active.

Amenities such as parks and open space are also tangible ways to enhance the visual appearance of a community and increase its character. Attractive features like public benches, landscaping, and shade trees should be considered to enhance the visual aesthetics of the development and heighten the sense of pride and identity associated with the community.



### 1.3 The Site:

The Site is a vacant lot approximately 7,317 square feet in area with a 60-foot frontage and varying depth of approximately 125 feet, located at 5025 Kiamesha Way, abutting Gus Thomasson Road and within walking distance to Larry Smith Elementary School (refer to Figure 1 below).



**Figure 1. The Site and Immediate Surroundings**

Site History: The City acquired the lot on February 28, 2000, as part of a larger real estate transaction to acquire various easements and rights-of-way for the South Mesquite Creek Drainage Improvement Project, Phase IV, and the homestead was later demolished. Prior to the City's acquisition, the lot was held in private ownership since 1959 when the Country Club Estates subdivision was first developed.

Existing Buildings: There are no existing buildings on the Site.

Access, streets, and sidewalk: The Site currently has street and sidewalk access along Kiamesha Way.

Drainage: The Site abuts a concrete lined drainage channel along Gus Thomasson Road, which is designed to handle a 100-year flood.



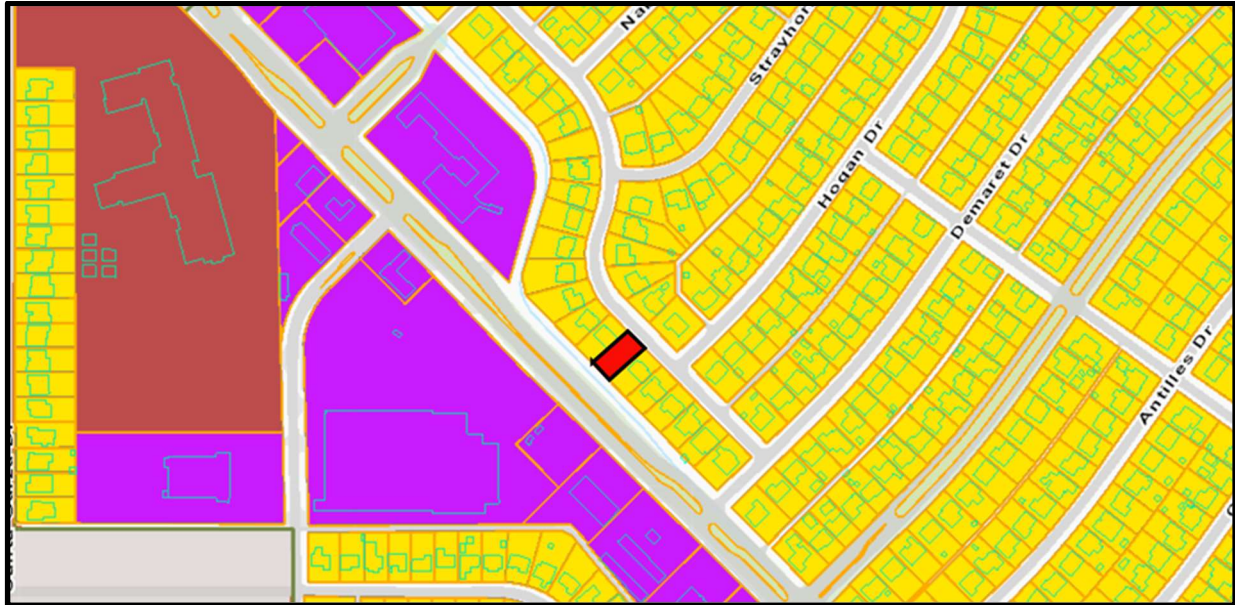
Estimated Usable Land: Approximately all of the lot lies outside the 100-year floodplain.

Existing Public Infrastructure: The Site is served by water, sewer, and drainage service. Any new residential home construction will require engineering plans to connect to the sanitary sewer system. There is a five-foot sanitary sewer easement along the north property line with an existing manhole at the northwest corner of the lot. No fence construction is allowed within the easement, but the abutting property owner has a common wood screening fence.



Legal Description: Block 1, Lot 16, Country Club Estates No. 1, a subdivision of the City of Mesquite, Dallas County, Texas, also known as 5025 Kiamesha Way.

Existing Zoning: The Site is currently zoned single-family residential.



Existing Topography: The Site is slightly wooded along existing fence lines and slopes gradually to the southwest towards Gus Thomasson Road.

Appraised Value: The fair market value of the Site as shown on the Dallas Central Appraisal District website is \$45,000.

#### **1.4 Qualifications Being Sought:**

- A. A development entity with a demonstrated track record and continued capability, as a company and/or Development Team, to successfully develop the Site as single-family residential without legal or technical problems.
- B. Capability to provide the resources, including financial, equipment and staffing, necessary to meet project requirements.
- C. Past performance on similar projects with other local municipalities on construction of infill development projects and is not currently, nor ever have been, on the federal government's suspended or debarred list.
- D. Qualifications and experience of the team members proposed to manage the project for Proposer as evidenced by the resumes of the proposed personnel. Only those personnel who will be directly involved in and assigned to this project shall be submitted with their role clearly indicated.

- E. Quality of references from past funding or equity sources, municipalities, or other entities which are qualified to comment on the company and/or Development Team’s ability to successfully develop the Site.

**1.5 Role of Development Team and City:**

The selected Development Team will obtain the necessary financing with which to purchase the Site. The Developer will also engage the necessary consultants to define and design the project, complete the design, secure the necessary permits (including but not necessarily limited to building permits, engineering permits, certificates of occupancy, etc.), secure equity and debt financing, contract for and construction of the project.

**SECTION 2 – NOTICE TO PROPOSERS**

**2.1 Request for Qualifications Notice:**

The City is accepting RFPs from experienced Developers to develop the Site in accordance with the terms, conditions and requirements set forth in this RFP. For the purposes of this RFP, “Developer or Development Team” shall mean a primary development entity (individual or company) that will be responsible for the development of the Site and any of its development partners including, but not limited to architectural and engineering firms, construction companies, equity and debt financing partners, and project management firms.

**2.2 The City’s Contact:**

**QUESTIONS** – All questions regarding the meaning or intent of these documents must be submitted in writing to, Purchasing Manager, Ryan Williams by e-mail: [rowillia@cityofmesquite.com](mailto:rowillia@cityofmesquite.com). The City, as it determines necessary for interpretation or clarification, will respond to such questions through addenda to all “plan holders” on record.

**2.3 Proposer’s Acceptance of Evaluation Methodology:**

**WAIVER OF CLAIMS:** EACH PROPOSER BY SUBMISSION OF A RESPONSE TO THIS RFP WAIVES ANY CLAIMS IT HAS OR MAY HAVE AGAINST THE CITY, ITS CONSULTANTS, AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, MEMBERS, DIRECTORS AND PARTNERS; THE CITY’S REPRESENTATIVE AND ITS EMPLOYEES, OFFICERS, MEMBERS, DIRECTORS AND PARTNERS; AND THE CITY, ITS EMPLOYEES, OFFICERS AND ELECTED OFFICIALS, AGENTS, REPRESENTATIVES, THAT ARE CONNECTED WITH OR ARISING OUT OF THIS RFP, INCLUDING, THE ADMINISTRATION OF THE RFP, THE RFP EVALUATION, THE SELECTION OF QUALIFIED PROPOSERS TO RECEIVE A RFP, AND THE CITY’S INTEREST IF ANY IN THE SITE. SUBMISSION OF A PROPOSAL INDICATES PROPOSER’S ACCEPTANCE OF THE CONSEQUENCES RELATED TO THE UNCERTAINTY OF THE CITY’S INTEREST IN THE SITE, ACCEPTANCE OF THE EVALUATION TECHNIQUE, AND PROPOSER’S RECOGNITION THAT SOME SUBJECTIVE JUDGMENTS MUST BE MADE BY THE CITY DURING THE

EVALUATION OF THE PROPOSALS RECEIVED. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, EACH PROPOSER ACKNOWLEDGES THAT THE BASIS OF SELECTION AND THAT THE EVALUATIONS SHALL BE MADE PUBLIC IN ACCORDANCE WITH APPLICABLE LAW AND WAIVES ANY CLAIM IT HAS OR MAY HAVE AGAINST THE ABOVE-NAMED PERSONS, DUE TO INFORMATION CONTAINED IN SUCH EVALUATIONS.

**2.4 Proposer's Commitment:**

Proposer understands and agrees that the City has the ability to terminate its selection process at any time, and to reject any and all responses, or any and all submittals, and that the City has made no representation, written or oral, that it will accept a proposal or award a contract for this project.

**2.5 Deed**

The City will provide a Quitclaim Deed at closing for the property being sold. It is at the election and cost of the winning bidder to purchase title insurance.

**2.6 Proposer's Eligibility:**

Only individual firms or formal joint ventures may respond to this RFP. Two firms may not respond jointly unless they have formed a joint venture. (This does not preclude a Proposer from utilizing consultants and/or sub-consultants.)

**2.7 Key Events Schedule:**

The tentative timeline established by the Cities for the selection process is:

First Advertisement and Issue RFP:	Thursday, August 4, 2022
Second Advertisement:	Thursday, August 11, 2022
Pre-Submittal Conference:	2:00 pm CST, Wednesday, August 17, 2022
Interpretation/ Request Deadline:	2:00 pm CST, Friday, August 19, 2022
Issue Addendum:	5:00 pm CST, Monday, August 22, 2022
<b>RFP Deadline:</b>	<b>2:00 pm CST, Thursday, August 25, 2022</b>
Interviews, if needed:	week of September 5th, 2022
Recommendation to Award:	week of September 12, 2022

This timeline is subject to change by the City.

## **SECTION 3 – SUBMITTAL, EVALUATION AND SELECTION PROCEDURES**

### **3.1 Pre-Submittal Conference:**

A pre-submittal conference will be held at **the time and date listed in Section 2.7**. The conference will be held at the City Manager’s Conference Room located on the Municipal Center Second Floor at 1515 N. Galloway Avenue, Mesquite, Texas 75149. The purpose of this conference is to discuss with potential Proposers the development criteria to be provided and for potential Proposers to ask questions arising from their review of the RFP. This pre-submittal conference is for informational purposes only. Attendance at this meeting by a representative of the Proposer is strongly encouraged. Additionally, it is suggested that the person in attendance be the intended primary contact for the Proposer.

### **3.2 Submittal Requirements:**

Proposals and any other information submitted in response to this RFP shall become the property of the City. Proposers may submit more than one response to this RFP; however, each response must be a separate and complete package that can be considered independently of any other response from the same Proposer. Submittals should include the following:

A. Cover Letter

- Signature from authorized officer/agent of the development entity

B. Development Team Composition, Experience, and Financial Capacity

- Primary Development Entity – full legal name, type, primary contact.
- Proposed Development Team – brief resumes for key members including company information.
- Ownership Entity – type, formation data, general and managing partner, or other principal.
- List of projects (completed or nearly completed) in which the development entity or key member(s) has (have) been involved in the past five (5) years.
- Describe in greater detail those projects from the previous list that are similar in type, size, scale, or complexity to the project scope anticipated in this RFP. To the extent possible, please include project name, type, location, description including land use and building square footages, current status, composition of Development Team, project cost, project financing, and project photos/renderings/marketing materials.
- List any current projects in the pre-development, design, or construction phase.
- Include a Statement of Financial Capacity as well as a Certified Financial Statement showing the assets and the liabilities, including contingent liabilities, of the development entity, and any affiliates/partners with more than a ten (10%) ownership interest in the development entity, fully itemized in accordance

with accepted accounting standards. Confidential financial information should be clearly labeled as such. The City will consider and treat such information as confidential to the extent allowed by law.

- Include any additional information deemed helpful in demonstrating the Developer's financial capacity and capability to complete the proposed development.

C. Proposed Concept

Describe in great detail the proposed vision and/or concept for the residential project anticipated in this RFP. To the extent possible, describe the proposed land use, anticipated residential unit, required infrastructure, design and development standards, landscaping, and project post-development projected tax valuation. Please include any available photos, renderings, and marketing materials.

D. Price for Land

The amount to be paid to the City for the Site shall be listed on the enclosed Bid Sheet.

E. Proposer's Signature Page and Conflict of Interest Questionnaire

Proposers must complete, sign, and include Proposer's Signature Page and Conflict of Interest Questionnaire with the submittal. Failure to include these documents may subject the submittal to disqualification.

### 3.3 Submittal Format:

- Follow details listed in item 2 in the General Clauses and Conditions, page 1.
- Submitted materials must be enclosed in a sealed envelope (or box or container); clearly indicating "RFP No. 2022-142; Development of 5025 Kiamesha Way, Mesquite, TX," all addenda, the submittal deadline, and the name, telephone number and return address of the Proposer.
- All submittals must conform to the requirements outlined in the RFP. Incomplete submittals will not be considered.
- Telephone ("PHONE"), Facsimile ("FAX"), or Internet ("E-mail") submittals will not be accepted.

### 3.4 Submittal Deadline:

The City will accept responses to this RFP until **the time and date listed in Section 2.7**, after which time all responses timely received will be publicly opened, and the names of the Proposers read aloud. Responses received after the submittal deadline will not be considered.

### 3.5 Evaluation of Submittals:

The City will evaluate all submittals and may invite consultants and representatives from other qualified organizations to evaluate the submittals as deemed necessary. The decision to reject any or all proposals is final and is not subject to due process or appeal. The City reserves the right to request additional information from any Proposer, to interview any Proposer, and to request and secure modifications or amendments to any submittal.

### 3.6 Selection Procedure:

Selection Process: The time period for awarding the RFP is set out in Section 2.7 above. The City will evaluate each response. The City will review written responses and score the responses on demonstrated competence, qualifications, and responsiveness to the RFP using the point system outlined below. The City may choose to interview developers submitting RFPs.

Scoring (100-point scale):

- 10 points - Developer Qualifications, including Individuals and Company
  - Firm's number of years in business, size, and staffing
  - Firm's experience developing projects of similar scope, size and quality including relevant examples
  - Experience of proposed personnel on similar projects and as a project team
  
- 50 points – Developer's proposed concept
  - Quality of proposed design
  - Strength of response and alignment to market conditions
  - Proposed building and architectural standards and design
  - Alignment of response with objectives outlined in the RFP
  
- 20 points – Experience with Infill Development
  - Past experience developing single-family residential
  - Knowledge of Mesquite codes and ordinances related to residential development
  
- 20 points – Price for Land
  - The amount listed for the Site to be paid to City. To meet requirements of State law, the price must be the \$45,000 market value of the land, or higher.



## BID SHEET

### DEVELOPMENT OF 5025 KIAMESHA WAY, MESQUITE, TX

**PLEASE PROVIDE A BID PURCHASE PRICE QUOTE FOR THE FOLLOWING:**

The amount to be paid upon closing, less closing costs, to the City for the Site as described within this RFP.

ITEM NO.	SITE NO.	LUMP SUM	DESCRIPTION	TOTAL (IN FIGURES)
1	1	LS	Purchase of City of Mesquite owned property located at 5025 Kiamesha Way, Mesquite, Texas.	\$ _____

<b>Total Base Bid Purchase Price of Item "1" complete and in place, for the sum of:</b>  _____ Dollars and _____ Cents <b>(written) LUMP SUM</b>	\$ _____  _____ <b>(figures) LUMP SUM</b>
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## DEVELOPMENT OF 5025 KIAMESHA WAY, MESQUITE, TX

With full knowledge for the requirements of this RFP

I certify that \_\_\_\_\_ and its response complies with these  
(Name of Organization)  
development criteria.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type/Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## TO THE PROPOSER

### ***DID YOU REMEMBER TO:***

- *Abide by the General Clauses and Special Conditions*
- *Make note of the opening date and time. All bids must be submitted by 2:00 p.m. Bids received after 2:00 p.m. will not be accepted.*
- *Fill in the **bid purchase price** on your bid proposal.*
- *Fill in the terms, if requested.*
- *Acknowledge receipt of all addendums.*
- *Fill in the **delivery time** or the **calendar days** (if applicable).*
- *Fill in the **company name, address, and phone number**.*
- ***Sign bid proposal.***
- *Include on the front of your sealed envelope the following information: **Company name, address, bid number, opening date and time.***

Mailing Address:

City of Mesquite  
P.O. Box 850137  
Mesquite, TX 75185-0137

Physical Address:

City of Mesquite  
1515 N. Galloway  
Mesquite, TX 75149

Purchasing Office  
972-216-6201  
[purchasing@cityofmesquite.com](mailto:purchasing@cityofmesquite.com)

If the procedures are not followed, your proposal could be disqualified.

Thank you

Ryan Williams  
Manager of Purchasing