

**ADVERTISEMENT  
FOR REQUEST FOR FINANCING BID  
FOR LEASE PURCHASE AGREEMENT NOT EXCEEDING \$1,560,000 FOR  
NESHOPA COUNTY, MISSISSIPPI  
ENERGY SERVICES AGREEMENT AND ENERGY SAVINGS  
PERFORMANCE CONTRACT**

The NESHOPA COUNTY BOARD OF SUPERVISORS will receive sealed bids in the Office of the Chancery Clerk of Neshoba County, Mississippi at the Neshoba County Courthouse, 401 Beacon Street, Suite 107, in Philadelphia, Mississippi until 11:00 a.m. on the 3<sup>rd</sup> day of April, 2017 for the purpose of obtaining financing bids for the following:

**A Lease Purchase Agreement, not exceeding \$1,560,000, for an Energy Services Agreement and Energy Savings Performance Contract for Neshoba County, Mississippi.**

Neshoba County is seeking financing bids in the form of a lease-purchase agreement to finance energy efficiency and conservation equipment and other related improvements for certain County facilities in an amount not to exceed \$1,560,000. This solicitation is for tax-exempt lease purchase financing. The Lease will be designated as "bank qualified" under section 265 of the Internal Revenue Code of 1986, as amended. The successful bidder, subject to County acceptance, will serve as the Lessor under the terms of the lease being solicited for a period not to exceed fifteen (15) years.

**INSTRUCTIONS TO BIDDERS**

All bids shall be submitted on the Neshoba County Bid Proposal Form, be placed in a sealed envelope marked "Proposal for Lease Purchase Agreement", along with the date and time of the bid opening, and filed with the Neshoba County Board of Supervisors, C/O Chancery Clerk Guy Nowell, 401 Beacon Street, Suite 107, Philadelphia, Mississippi 39350.

The Detailed Specifications and the Bid Proposal Form therein can be obtained by contacting the Neshoba County Board of Supervisors at 401 Beacon Street, Suite 201, Philadelphia, Mississippi 39350; by telephone at 601-656-6281; or, via Neshoba County's website at [www.neshobacounty.net](http://www.neshobacounty.net).

The Board reserves the right to reject any and all bids and waive informalities. The proposal selected will be the proposal from the qualified institution that offers the best terms and conditions for this lease purchase agreement.

Published by Order of the Board of Supervisors of Neshoba County, Mississippi on the 6<sup>th</sup> day of March 2017.

/s/ Guy Nowell  
GUY NOWELL, CLERK  
BOARD OF SUPERVISORS  
NESHOPA COUNTY, MISSISSIPPI

Publication dates: 3/15/2017 & 3/22/2017

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Bid Due Date: Monday, April 3, 2017 – 11:00 AM Central Time

Respond To: Neshoba County Board of Supervisors  
C/O Chancery Clerk Guy Nowell  
401 Beacon Street, Suite 107  
Philadelphia, Mississippi 39350

Contacts: Jeff Mayo  
County Administrator  
Neshoba County Board of Supervisors  
401 Beacon Street, Suite 201  
Philadelphia, Mississippi 39350  
Phone – 601-656-6281  
e-mail – [jmayo@neshobacounty.net](mailto:jmayo@neshobacounty.net)

Rhonda Williamson  
Chief Financial Officer  
Neshoba County Board of Supervisors  
401 Beacon Street, Suite 201  
Philadelphia, Mississippi 39350  
Phone – 601-656-6281  
e-mail – [rwilliams@neshobacounty.net](mailto:rwilliams@neshobacounty.net)

*Energy Services Company*

Schneider Electric Buildings Americas, Inc.

*Scope of Request*

Neshoba County is seeking financing bids in the form of a lease-purchase agreement to finance energy efficiency and conservation equipment and other related improvements for certain County facilities in an amount not to exceed \$1,560,000. This solicitation is for tax-exempt lease purchase financing. The Lease will be designated as "bank qualified" under section 265 of the Internal Revenue Code of 1986, as amended. The successful bidder, subject to County acceptance, will serve as the Lessor under the terms of the lease being solicited for a period not to exceed fifteen (15) years from the date of installation being no later than April 21, 2018. We anticipate closing this lease-purchase transaction on or about April 21, 2018.

### Lessee

Neshoba County, Mississippi – Neshoba County Board of Supervisors (hereafter referred to as “Lessee” or “County”)

### Lessee General Information

Neshoba County is located in east-central Mississippi with a population of approximately 30,000 people (29,676 most recent census). The City of Philadelphia is the county seat. Neshoba County is also home to three reservations and the Tribal Government of the Mississippi Band of Choctaw Indians.

### Lessee Tax ID Number

64-6000889

### Lessor

The provider of financing in response to this solicitation.

### Lease

Tax-Exempt Lease Purchase Agreement (“Lease”)

### Lease Amount

Energy Savings Performance Contract -	\$1,398,106.00
Roof Energy Services Agreement -	\$161,283.00
Cost of Issuance -	\$611.00
<b>Total Project Cost -</b>	<b>\$1,560,000.00</b>

### Vendor for Project

Schneider Electric Buildings Americas, Inc. (“ESCO”) (Selected by Previous Request for Proposals)

### Lessee’s Fiscal Year

October 1<sup>st</sup> through September 30<sup>th</sup>

### Lessee’s Most Recent Audits / Financial Information

<http://www.osa.ms.gov/> or <http://www.neshobacounty.net/neshoba-county-audits>

The fiscal year 2015 Audit is currently underway by the Mississippi Office of the State Auditor.

### Project Overview

The project for which this funding is solicited will consist of two distinct contracts previously negotiated with Schneider Electric Buildings Americas, Inc. First, the Energy Savings Performance Contract will provide for lighting upgrades, mechanical equipment upgrades (including HVAC) and/or building automation systems at the following County facilities: Neshoba County Courthouse, Neshoba County Justice Court Annex, Neshoba County Coliseum, Neshoba County Law Enforcement Center, Neshoba County Unit Facility Building and Neshoba County Department of Human Services Building. Secondly, the Energy Services Agreement, will provide for a new roof at the Neshoba County Courthouse.

Please see the detailed scopes of work for the services and equipment at each facility.

### MDA Approval

The Energy Savings Performance Contract received approval from the Mississippi Development Authority's Energy and Natural Resources Division on December 16, 2016. The Energy Services Agreement does not require MDA approval.

### Security Interest

The Lessor will have a security interest in all equipment and the Lessee's obligation to make lease payments under the Lease. Lease payments are subject to the annual appropriation of funds. During the term of the Lease Agreement, the Lessee shall hold legal title to the leased equipment and any repairs, replacements, substitutions and modifications thereto.

### Net Lease

All costs, obligations and responsibilities associated with ownership of the leased equipment will be borne by the Lessee. This includes liability and/or property insurance and maintenance of said equipment to be acquired under this Lease.

### Interest Rate

The bidder will propose a fixed rate of interest per annum for the Lease for a period of no more than fifteen (15) years, with no more than 180 monthly payments to begin post-installation of said equipment on April 21, 2018 through April 21, 2033.

### Prepayment Option

The terms of the Lease will provide that the Lessee will have the right, at its option, to prepay the principal portion outstanding on the Lease without penalty, after a period of five (5) years from the date of closing of the lease-purchase transaction, by providing 30 days prior written notice to Lessor.

### Bank Qualified

The Lessee will designate the Lease as "bank qualified" under section 265 of the Internal Revenue Code of 1986, as amended.

### State of Mississippi – Tax Exemption

The Lease and income from the agreement shall be exempt from all taxation within the State of Mississippi, except gift, transfer and inheritance taxes.

### Validity Opinion

Wade White, Attorney at Law PLLC, Attorney for Neshoba County

### Tax Opinion

Butler Snow LLP

### Continuing Disclosure

Neshoba County contracts with Butler Snow LLP to prepare and file our continuing disclosure and Lessee reserves the right to file information about this transaction as required to fulfill said continuing disclosure requirements.

### Assignment

The Lessor may assign its rights under the Lease but only with the advance written consent of Lessee.

### Escrow Agreement

The Lessee and Lessor may enter into an escrow agreement for the deposit, investment and application of the proceeds of the Lease for project costs. The escrow account is for the benefit of the Lessee, and as such, the Lessee shall be entitled to all investment earnings on moneys held in such account. Moneys held in the escrow account shall be invested in investments allowed under the laws of the State of Mississippi.

### Transactional Costs

The bidder should identify all costs associated with the consummation of the lease-purchase transaction, if any, that would be an obligation of Lessee as either a direct payment or as additional project costs for purpose of determining the funded lease amount and/or ongoing payment obligations. These costs must be all-inclusive and may include capitalized interest, legal counsel fees, trustee fees, escrow fees and/or any other costs associated with the lease-purchase transaction.

### Contract Documents

The Lessor and Lessee will enter into the Lease and Escrow agreements as discussed herein. The County has the right to modify the winning bidder's lease and escrow forms as the County deems necessary, particularly to comply with State law.

### Cost of Preparing Bid

The cost of developing and submitting a bid in response to this solicitation is entirely the responsibility of the firm choosing to submit a response to this solicitation. This includes, but is not limited to, costs to determine the nature of the engagement, preparation of the bid, submitting the bid, negotiating the contract and any other costs associated with this solicitation for bids.

### Term of Lease

Not to exceed fifteen (15) years from April 21, 2018.

### Installation Period

Eight to twelve (8 to 12) months.

### Performance Bond

Schneider Electric Buildings Americas, Inc., will post payment and performance bonds in accordance with the laws of the State of Mississippi.

### Solicitation Modification

No modifications to this solicitation will be issued two (2) working days or less prior to bid opening date – specifically no later than 11:00 AM Central Time on March 30, 2017.

There shall be no oral or implied contracts relating to this request for bids.

### Award Criteria

The Lessee intends to award the financing to the bidder who submits the bid with the lowest overall cost to Lessee. Including the lowest all-inclusive interest rate and lowest fees (if any) which is responsive to this solicitation.

The Lessee reserves the right to reject any and all bids, to waive minor errors and inconsistencies in this solicitation and to negotiate with any bidder upon terms which do not differ substantially from those set forth herein at the interpretation of the Lessee.

### Notice of Award

Bids will be publicly opened at 11:00 AM Central Time on Monday, April 3<sup>rd</sup>, 2017. Thereafter bids will be carefully considered and award of the bid is anticipated on Monday, April 17<sup>th</sup>, 2017 following official action by the Neshoba County Board of Supervisors.

*Modification / Withdrawal of Bid*

There shall be no modification or withdrawal of the bid after the bid receipt date until such time the bid is awarded or rejection of all bids occurs.

*No Liability*

Lessee shall have no liability, obligation, nor shall it be compelled to enter into any financing agreement or any other financing arrangement as a result of issuing this solicitation for bids.

*Open Records Act*

All bids submitted become the property of the Lessee and are subject to the Mississippi Open Records Act making them available for public review.

*Bid Shall Be Signed*

Each bid submitted on the Neshoba County Bid Proposal Form shall be signed by an authorized representative of the proposing firm with his or her name and title typed below the signature line.

*Questions*

Questions should be submitted via email to [jmayo@neshobacounty.net](mailto:jmayo@neshobacounty.net) and [rwilliams@neshobacounty.net](mailto:rwilliams@neshobacounty.net) by no later than 11:00 AM Central Time on Thursday, March 30, 2017 with the subject line: Energy Services Financing Bid.



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ENERGY SERVICES AGREEMENT AND ENERGY SAVINGS  
PERFORMANCE CONTRACT**

**BID PROPOSAL FORM**

Bid Date: April 3, 2017      Bid Time: 11:00 AM Central Time

We are pleased to submit this bid for the following:

Lease Amount: \$1,560,000

Rate of Interest Per Annum: \_\_\_\_\_ %    Escrow Fee: \$ \_\_\_\_\_

List Additional Costs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Interest Cost: \$ \_\_\_\_\_ All Inclusive Rate \_\_\_\_\_ %

Please attach a payment schedule based on a lease commencement date of April 21, 2017, with the principal amount of \$1,560,000, with no more than 180 monthly payments for no more than a 15 year term beginning on April 21, 2018 and ending on April 21, 2033, including a post five (5) year prepayment option with no penalty.

Bidder's Name: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_

e-mail address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_