



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
TECHNOLOGY, MANAGEMENT AND BUDGET
LANSING



KENNETH D. THEIS
DIRECTOR

RFP No. 2010-17

REQUEST FOR PROPOSAL
Sale of former Michigan State Police (MSP) Michigan Public Safety Communication System (MPSCS) Surplus Tower Sites

I. Introduction and Overview

Pursuant to Public Act 363 of 2008, the Michigan Department of Technology, Management and Budget (DTMB), acting through its Real Estate Division (the "Office"), has been authorized to sell certain parcels of state owned property located in various counties in the State of Michigan (the "State") commonly known as former Michigan Public Safety Communication System (MPSCS) Surplus Tower Sites, and legally described in the attached Offer to Purchase Real Property (the "Offer") for not less than fair market value. Fair market value for the Properties, as determined by an independent appraiser, is listed as:

#	Property	County	Acreage	Value	Additional Documents
1	Bergland Twp.	Ontonagon County	25.07	\$30,000	Survey Title Commitment
2	Berlin Twp.	Ionia County	0.45	\$30,000	Site Drawing Title Commitment
3A	Boone Twp. Parcel A	Wexford County	12.73	Previous Sale	None
3B	Boone Twp. Parcel B	Wexford County	N/A	Not For Sale	None
3C	Boone Twp. Parcel C	Wexford County	11.02	\$30,000	Site Drawing Survey Title Commitment
4	Hawes Twp.	Alcona	49.55	\$91,000	Site Drawing Survey Title Commitment
5	Ironwood Twp.	Gogebic	N/A	Not For Sale	None
6	Kasson Twp.	Leelanau	17.11	\$125,000	Site Drawing Title Commitment
7	Keene Twp.	Ionia	24.11	\$48,000	Site Drawing Survey Title Commitment
8	Leelanau Twp.	Leelanau	0.52	\$3,000	Site Drawing Title Commitment
9	Leoniadas Twp.	St. Joseph	29.16	\$68,000	Site Drawing Survey Title Commitment
10	City of Manistee	Manistee	.077	\$70,000	Site Drawing Title Commitment
11	City of Mt. Pleasant	Isabella	N/A	Not For Sale	None
12	City of Munising	Alger	N/A	\$00,000	Site Drawing Survey Title Commitment
13	Ossineke Twp.	Alpena	9.75	\$13,500	Site Drawing Survey Title Commitment
14	Richmond Twp.	Osceola	N/A	\$55,000	Site Drawing Title Commitment
15	Rock River Twp.	Alger	26.14	\$31,500	Site Drawing Survey Title Commitment
16	Courtland Twp.	Kent	0.89	\$32,000	Site Drawing Title Commitment
17	Watersmeet Twp.	Gogebic	12.73	\$31,000	Site Drawing Survey Title Commitment

The Properties can be generally described as Michigan Public Safety Communications System surplus tower sites. The Properties vary in size, value and improvements on or to the land. To the best of the States knowledge, some of the properties contain existing communication towers.

The State will be accepting sealed Bid Proposals for the Property until 10:00 a.m., Monday, May 17, 2010 (the "Due Date"). In the event that the initial bid period does not produce a viable award recommendation, the State may, at its discretion, extend the bidding period until it receives a viable bid. Timelines will be moved to correspond to the accepted bid date. Notification of a bidding extension will be made on our the DTMB Real Estate Division website at www.michigan.gov/dmb-realestate, select "Surplus Real Property For Sale through DTMB".

The first qualifying bid that is received and accepted will end the extension period. Bids will be opened on the Due Date at 11:00 a.m. It is the intention of the State to notify, no later than Friday, May 21, 2010 the successful Bidder who is the most responsive and responsible and offers the highest price or highest value to the State. Notification will be via phone, followed in writing.

The State reserves the right to waive any irregularity or defect in any submission; request clarification or additional information regarding Bid Proposals; to conduct a Best and Final Offer (BAFO); to cancel this Request for Proposal (RFP) and to reject any and all Proposals at its sole discretion. The State shall assume no liability whatsoever for any expense incurred by a Bidder in replying to this RFP.

- A. The following documents are available on the DTMB's Real Estate Division website at www.michigan.gov/dmb-realestate, select "Surplus Real Property For Sale through DTMB":
1. Request for Proposal (RFP)
 2. Purchaser's Acknowledgement
 3. Offer to Purchase Real Property
 4. Release of Liability Form
 5. Public Act 363 of 2008
 6. Legal Description & Survey or Drawing (Exhibit A)
 7. Title Commitment
- B. Key RFP Dates
1. Friday, April 16, 2010 – RFP Release Date
 2. Monday, May 17, 2010 – Proposals Due and Opened
 3. Tuesday, June 9, 2009 – Proposal Awarded and Accepted
 4. Tuesday, June 9, 2009 – Proposal Period Extended if Applicable (see Section VI)

II. Instructions to Bidders

A. Proposal Submission Procedures

1. Sealed Bid Proposals must be delivered to the person and address listed in Section III (E), on or before the Due Date (May 17, 2010 – 10:00 a.m.). Bid Proposals received after 10:00 a.m. on the Due Date will not be accepted or will be marked late, unopened, and returned to sender.

2. Bid Proposals must be received in one envelope or box marked "PROPOSAL – MSP MPSCS TOWER SITE." The envelope or box must also contain the Bidder's name and return address.
3. Bid Proposals may only be delivered via U.S. Mail, courier service, or hand delivery. Electronic or facsimile Bid Proposals will not be accepted.
4. All information shall be entered in ink or typewritten. Mistakes may be crossed out and all corrections inserted before submission of a Bid Proposal. The person signing the Bid Proposal shall initial and date corrections in ink.
5. Bid Proposal documents, including the Offer to Purchase Real Property, shall be signed by an authorized signatory that is the person(s) authorized to contractually bind the Bidder. Bid Proposal documents signed by persons on behalf of entities or on behalf of another person, must be accompanied by documents evidencing authority as outlined in Section II.A.6, below. Potential Bidders are encouraged to consult with legal counsel to ensure that their proposal constitutes a legally binding offer. Failure to submit a legally binding offer is grounds for rejection of a Bid Proposal. Bid Proposals must contain original signatures.
6. Bid documents, including the Offer to Purchase Real Property, signed by persons on behalf of entities, other than for a natural person, must be accompanied by documents evidencing authority as follows:
 - a. Submissions by corporations or limited liability companies shall be signed by a person with authority to bind the corporation or limited liability company and shall be accompanied by a current certificate of good standing and certified copies of resolutions authorizing such submission, including the Offer to Purchase Real Property.
 - b. Submissions by municipalities or municipal entities shall be signed by two officers with authority to bind the municipality or the municipal entity and shall be accompanied by certified resolution authorizing the submission, including the Offer to Purchase Real Property.
 - c. Submissions by partnerships shall be signed by the authorized partner and shall be accompanied by a certified copy of the partnership certificate on file with the appropriate county clerk and a copy of the partnership agreement and any amendments in effect as of the date of submission.
 - d. Submissions by persons doing business under an assumed name shall be accompanied by a certified copy of an assumed name certificate on file with the appropriate county clerk.
 - e. Submissions by one natural person on behalf of another natural person shall be accompanied by a power of attorney which would be fully effective on the date of signature and irrevocable thereafter and which would authorize such action with regard to this specific transaction.

III. Bid Proposal Package Format

- A. Bidders shall submit one clearly marked original and one photocopy of their Bid Proposal package, containing the following information, tabbed in the order below:
1. Copy of this Request for Proposal (RFP).
 2. Signed Purchaser's Acknowledgement, as provided in this RFP.
 3. Signed and initialed Offer to Purchase Real Property with Purchase Price completed and property legal description attached, as included in this RFP, and Addendum, if applicable.
 4. Earnest Money in the form of a cashier's or certified check equal to ten percent (10%) of the purchase price, made payable to the State of Michigan shall be submitted with this Bid Proposal, as security for the Offer to Purchase Real Property. The Earnest Money will be deposited by the State in a State account and will be applied at closing as a credit against the Purchase Price of the successful Bidder. No escrowing of the Earnest Money deposit will be accepted. Treatment of Earnest Money is more specifically defined in the attached Offer to Purchase Real Property. Earnest Money submitted by unsuccessful Bidders will be returned by certified mail, return receipt requested, and will be placed in the mail no later than three business days after the award of the Bid.
 5. Signed Release of Liability Form, as provided in this RFP.
 6. Evidence of Bidder's financial capability to complete the purchase, including the source of funds that will be used to purchase the Property.
 7. Indicate how your proposal represents the highest price or highest value to the State in terms of direct and indirect financial, economic and community benefits.

Failure to provide any of the above requested information may result in disqualification of bid.

The State reserves the right to request additional information pertaining to the Bid Proposal Package, or any other matters related to the Request for Proposal.

The winning Bid Proposal made to the State shall be irrevocable, except as set forth in Section 6 of the Offer with respect to Cancellation.

B. Public Act 363 of 2008

The sale of this Property shall be consistent with the terms and conditions mandated in Section 1 of PA 363 of 2008 (attached).

C. Questions Regarding Request for Proposal

Questions regarding the RFP must be made in writing and submitted electronically to the DTMB Real Estate Division at dmb-realestate@michigan.gov. Answers to questions will be posted within 5 business days of receipt on the DTMB Real Estate Division web site www.michigan.gov/dmb-realestate, by selecting the "Surplus Real Property For Sale through DTMB" link.

The State will not respond to telephone inquiries or visitation by Bidders or their representatives with respect to this RFP.

D. Official Contact Information:

Name: Terri L. Fitzpatrick
Title: Director, Real Estate Division
Department of Technology, Management & Budget
Address: 530 W. Allegan, Lansing, MI 48933

IV. Method of Award and Selection Criteria

Complete responses to this RFP will be evaluated by DTMB, which may convene a Joint Evaluation Committee (JEC), based on the extent to which each proposal responds to the information requested in Section III. Selection criteria will include, but is not limited to, the following:

- A. Specific details in the response, particularly in terms of dates, numbers and dollars. Vague and/or general responses are not acceptable.
- B. The most responsive and responsible Bidder that will allow the State to realize the highest price or highest value.
- C. Evidence of Bidder's financial capability to complete the purchase.
- D. Compliance with statutory, constitutional, and terms set forth in this RFP, including the Offer to Purchase.

The bid shall in all respects be governed by, and construed in accordance with, the laws of the State of Michigan.

V. Best and Final Offer (BAFO)

If the selection process does not lead to a viable award recommendation, or if deficiencies are identified, DMB, at its discretion, may prepare a Deficiency Report and/or Clarification Request (DR/CR) for each proposal determined to be in the competitive range. Bidders will be allowed to respond in writing to the DR/CR with a Best and Final Offer (BAFO). The BAFO may include changes to the original proposal, including alterations to the original price proposed. BAFO's must be submitted by the deadline established by DTMB.

After reviewing the BAFO's, DTMB will reevaluate the proposals using the original evaluation method. If an alteration to the original published evaluation criteria is to be made, changes in the criteria will be published to all Bidders as part of the issuance of the DR/CR's.

Bidders will NOT be provided any information about other proposals or where the Bidder stands in relation to others at any time during the evaluation process. Any request for such information will be viewed as a compromise to the evaluation process and the requesting Bidder may be eliminated from further consideration.

Requests for proposal information by a Bidder, its subcontractor, or an affiliated party before bid award may also result in disqualification.

Bidders are cautioned to propose their best possible offer at the onset of the process, as there is no guarantee that any proposal will be allowed an opportunity to submit a BAFO.

VI. Bid Period Extension

If the initial bid period does not produce a viable award recommendation, the State may, at its discretion, extend the bidding period until it receives a viable bid. Timelines will be moved to correspond to the accepted bid date. Notification of a bidding extension will be made on the DTMB Real Estate Division website at www.michigan.gov/dmb-realestate, select "Surplus Real Property For Sale through DTMB".

The first qualifying bid that is received and accepted will end the extension period.

VII. Freedom of Information Act (FOIA)

All information in a Bidder's proposal is subject to the provisions of the Freedom of Information Act (FOIA), 1976 Public Act 442, as amended, MCL 15.231, et seq.

Thank you for your interest in doing business with the State of Michigan.