



STATE OF MICHIGAN

DEPARTMENT OF MANAGEMENT & BUDGET
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

PHYLLIS MELLON
ACTING DIRECTOR

RFP No. 2010 - 16

REQUEST FOR PROPOSAL



Sale of former Western Wayne Correctional Facility, 47500 Five Mile Road, Plymouth Township, Wayne County, Michigan

I. Introduction and Overview

Pursuant to Public Act 43 of 2007, the Michigan Department of Management and Budget (DMB), acting through its Real Estate Division (the "Office"), has been authorized to sell certain real property owned by the State of Michigan (the "State") located at 47500 Five Mile Road, Plymouth Township, Wayne County, Michigan commonly known as the former Western Wayne Correctional Facility (the "Property"), and legally described in the attached Offer to Purchase Real Property (the "Offer").

The Property can be generally described as a 126 acre parcel containing approximately 235,620 square feet of improvements in 15 buildings. The property was previously used as a correctional facility and has been vacant since 2005.

The State will accept sealed Proposals for the Property until 10:00 a.m., Monday, March 22, 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 proposal period until it receives a viable proposal. Timelines will be moved to correspond to the accepted proposal date. Notification of a proposal extension will be made on DMB's Real Estate Division website www.michigan.gov/dmb-realestate (link "Surplus Real Property For Sale Through DMB"). The first qualifying proposal that is received and accepted will end the extension period.

Proposals 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, April 2, 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 Proposals; to conduct a Best and Final Offer

(BAFO); to cancel this Request for Proposal (the “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-line at DMB’s Real Estate Division website www.michigan.gov/dmb-realestate (then click on the “Surplus Real Property For Sale Through DMB” link):

1. Request for Proposal (RFP)
2. Purchaser’s Acknowledgement
3. Offer to Purchase Real Property
4. Release of Liability Form
5. Public Act 43 of 2007
6. Property Survey & Legal Description
7. Title Commitment

B. Due to the size of each report, the following are available by calling the DMB Real Estate Division at 517-335-6877 to schedule a time to review them in person

1. Waste Distribution Study – dated August 2005
2. Phase II Environmental Site Assessment (Volumes 1-3) – dated April 2004
3. Regulatory Wetland Delineation Report – dated May 2005

B. Key RFP Dates

1. Wednesday, February 10, 2010 – RFP Release Date
2. Monday, March 22, 2010 – Proposals Due (10:00 a.m.) and Opened (11:00 a.m.)
3. Friday, April 2, 2010 – Proposals Awarded and Accepted
4. Monday, March 22, 2010 – Request for Proposal Extended if Applicable (see Section VI)

II. Instructions to Bidders

A. Proposal Submission Procedures

1. Sealed Proposals must be received on or before the Due Date (Monday, March 22, 2010) at 10:00 a.m. 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. Bidders shall submit one (1) clearly marked original and two (2) photocopies of their Proposal Package. Proposals must be received in one envelope or box marked “PROPOSAL – WESTERN WAYNE CORRECTIONAL FACILITY” and addressed to:

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

The envelope or box must also contain the Bidder’s name and return address.

3. Proposals may only be delivered via U.S. Mail, courier service, or hand delivery. Electronic or facsimile 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 Proposal. The person signing the Proposal shall initial and date corrections in ink.
5. Proposal documents, including the Offer to Purchase Real Property, shall be signed by the person(s) authorized to contractually bind the Bidder. 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 Proposal. Proposals must contain original signatures.
6. Proposal 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. Proposal Package Format

- A. Proposal Packages must be submitted in three-ring binders, 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 Offer to Purchase Real Property with attached property legal description, as included in this RFP, and Addendum, if applicable.

4. Earnest Money in the form of a cashier's or certified check in the amount of Fifty Thousand Dollars (\$50,000) made payable to the State of Michigan shall be submitted with this 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 Proposal.
5. Signed Release of Liability Form, as provided in this RFP.
6. 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, above.
7. Evidence of Bidder's financial capability to complete the purchase, including the source of funds that will be used to purchase the Property.
8. 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 proposal process.

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

The winning 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 43 of 2007

1. The sale of this Property shall be consistent with the terms and conditions mandated in Section 2 of PA 43 of 2007 (attached).

C. Property Inspection

A non-mandatory property site inspection is scheduled for 10:00 a.m. on Thursday, February 25, 2010. Please contact Carol Schulz or Tracy DeClercq at (517) 335-6877 or email dmb-realestate@michigan.gov to register for the tour. Bidders are encouraged to inspect the property.

D. Questions Regarding Request for Proposal

Questions regarding the RFP must be made in writing and submitted electronically to the DMB Real Estate Division e-mail address dmb-realestate@michigan.gov. Answers to questions will be posted within 5 business days of receipt.

1. All questions and answers from all Bidders will be made available on the DMB Real Estate Division web site www.michigan.gov/dmb-realestate, under the following link "Surplus Real Property For Sale Through DMB".

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

E. Official Contact Information:

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

F. Proposal Package

The Proposal Package must be executed by an authorized signatory, and must contain answers that respond to the questions/directions in the order listed below:

1. Provide the Purchase Price of Property as indicated on the attached Offer. Indicate if any revisions, deletions, and/or changes have been made to the attached Offer, and if so, confirm that an Addendum has been attached.
2. Provide a summary of your proposed use of the Property, including the following if applicable:
 - a. Provide a detailed breakdown of the proposed development including, but not limited to, type of development and specific use contained therein, timing of project completion and compatibility with existing zoning regulations.
 - b. Indicate the number of jobs that will be created by the proposed development, including specific information on the number and type of jobs (job classification, approximate wage range, direct/indirect, temporary/ permanent) created, and the timing of jobs in the market, both in terms of availability and duration.
 - c. Project, with detail, the anticipated amount of new taxes (property, income, or other) that will be generated, if any, as a result of the development.

IV. Method of Award and Selection Criteria

Complete responses to this RFP will be evaluated by DMB, 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 Proposal 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 DMB.

After reviewing the BAFO's, DMB 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. Proposal Period Extension

If the initial proposal period does not produce a viable award recommendation, the State may, at its discretion, extend the proposal period until it receives a viable proposal. Timelines will be moved to correspond to the accepted proposal date. Notification of a proposal extension will be made at DMB's Real Estate Division website www.michigan.gov/dmb-realestate (link "Surplus Real Property For Sale Through DMB")

The first qualifying proposal 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.