



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

TRICIA L. FOSTER
DIRECTOR

RFP No. 2019-2-2012-0401

REQUEST FOR PROPOSAL



**Sale of former Department of Correction Facility,
42530 M-26 Highway, Houghton County,
Painesdale, Michigan 49955**

I. Introduction and Overview

Pursuant to Public Act 512 of 2016, the Michigan Department of Technology, Management & Budget (DTMB), acting through its Real Estate Division, has been authorized to sell certain real property owned by the State of Michigan (the "State") located at 42530 M-26 Highway, Painesdale, Michigan. The facility is commonly known as the former Department of Corrections Camp Kitwen (the "Property") and is legally described in the attached Offer to Purchase Real Property (the "Offer").

The Property can be generally described as a two-story main building containing 39,000 square feet, along with several additional storage, maintenance and service buildings sitting on approximately 86 acres, more or less. The Property was previously used as a state owned prison camp. The camp has been vacant since 2009.

The State will accept sealed Bid Proposals for the Property until 10:00 a.m., Thursday, June 6, 2019 (the "Due Date"). 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 Wednesday, June 12, 2019 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, then 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 Bids 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 DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate (then click on the following link: Additional Request for Proposals and Surplus Real Property for sale by the State of Michigan under LAND SALES):

1. Request for Proposal (RFP)
2. Purchaser's Acknowledgement
3. Offer to Purchase Real Property
4. Release of Liability Form
5. Public Act 512 of 2016
6. Legal Description
7. Survey
8. TriMedia Mold Assessment
9. Property Summary Facts

B. Key RFP Dates

1. Thursday, March 28, 2019 – RFP Release Date
2. Wednesday, June 26, 2019 – Proposals Due and Opened
3. Monday, July 1, 2019 – Proposal Awarded and Accepted
4. Friday, August 30, 2019 – Due Diligence Completed
5. Tuesday, October 1, 2019 – Closing

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, Thursday, June 6, 2019 - 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 – CAMP KITWEN." The envelope or box must also contain the Bidder's name and return address.
3. Bid Proposals may only be delivered via United States Postal Service, 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 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 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 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 UPS overnight 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 proposal.

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 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 512 of 2016

1. The sale of this Property shall be consistent with the terms and conditions mandated in Section 7 of PA 512 of 2016 (attached).

C. Property Inspection

A non-mandatory property site inspection can be scheduled by appointment. Please contact Tracy Clark, Project Manager, at (517) 335-6877 for an appointment. 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 DTMB Real Estate Division e-mail address dtmb-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 DTMB Real Estate Division website www.michigan.gov/dtmb-realestate, under the following link "Surplus Real Property For Sale through DTMB".

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

D. Official Contact Information:

Tracy Clark
Project Manager, Real Estate Division
Department of Technology, Management & Budget
3111 West St. Joseph Street
Lansing, MI 48917

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, DTMB, 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 at DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate (link "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