



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

TRICIA L. FOSTER
DIRECTOR

RFP No. 2019-4-2013-0032

REQUEST FOR PROPOSALS



Sale of Vacant Michigan Department of Corrections (DOC) Camp Ottawa Real Property Consisting of Approximately 105.102 Acres of Land and Improvements Thereon at 216 Gendron Road, Township of Iron River, County of Iron, Michigan.

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 (the "Office"), has been authorized to sell certain real property owned by the State of Michigan (the "State") located at 216 Gendron Road in the Township of Iron River, County of Iron, Michigan 49935 commonly known as "Camp Ottawa" (the "Property"). A brief overview of the Property and its features is given below. The Property is legally described in the attached Offer to Purchase Real Property (the "Offer").

A. Overview of the Property

The Property was used as a minimum-security prison from 1989 until its closure in 2009. It is generally described as a 105.102 acre parcel of land featuring a two-story brick main administration/housing building of 39,000 square feet, a wood storage shed of 4,800 SF,

a maintenance shop and garage of 1,800, a roofed carport covering 4,000 SF, a standard saw mill of 3,132 SF, a dimensional saw mill of 3,200 SF, an office/carpenter shop of 1,716 SF, a wood boiler facility of 48 SF and a paved parking lot striped to accommodate 42 cars. Much of the property is enclosed by a high fence. Camp Ottawa could accommodate an average of 240 inmates and 345 staff members. It has been vacant and largely unused since its closure. According to the Iron River Township Zoning Administrator, the property was never rezoned under State ownership. Prior to State ownership, it was reportedly zoned as Residential-Agricultural (zone designation "AA") and may continue to be so zoned now. More information about permitted uses in that Zoning District and procedures for pursuing rezoning or variances there may be obtained from the Township of Iron River, telephone: 906-265-3403. As of Monday, September 16, 2019, the Federal Emergency Management Administration (FEMA) reports on its website (<https://msc.fema.gov/portal/search?AddressQuery>) that "FEMA has not completed a study to determine flood hazard for (216 Gendron Road, Iron River, MI 49335); therefore, a flood map has not been published at this time."

DTMB has done its best to accurately and fully describe the Property in this RFP and its supporting documents. However, it remains incumbent upon prospective bidders to verify this information for themselves as part of their own due diligence investigations.

B. Overview of the Bid Process

The State will accept sealed bid proposals to acquire the Property in "as-is" condition via a quit-claim deed until **5:00 P.M. Eastern Standard Time (EST) on Thursday, November 21, 2019** (the "Due Date"). In the event 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.

The first qualifying bid that is received and accepted will end the RFP period, unless the RFP period is extended as provided elsewhere in this RFP. A successful bidder is one that submits a proposal deemed to be the most responsive to the stated criteria of this RFP and which offers the highest price or highest value to the State, at the sole discretion of the Michigan Department of Technology, Management and Budget (DTMB). It is the intention of the State to select and notify the successful Bidder, by **Friday, December 6, 2019**. Notification to the successful bidder will be via telephone, 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.

Note that for purposes of this RFP, and of all submitted responses thereto, the State uses the terms "proposal" and "bid" interchangeably and with the same meaning. Similarly,

the words "proposer" and "bidder" are also used interchangeably and with the same meaning.

C. Supporting Documents

The following supporting documents and forms are available on-line at DTMB's Real Estate Division website www.michigan.gov/dtmb-realestate under the following heading and link "Request For Proposals and Surplus Real Property for Sale":

1. This Request for Proposals (RFP).
2. Bidder's Acknowledgement Form.
3. Offer to Purchase Real Property Form.
4. Release of Liability Form for Prospective Bidders visiting the site.
5. Public Act 516 of 2016.
6. The recorded deeds by which the State acquired the subject property and any other associated title work known to DTMB/RED.
7. Survey and other maps illustrating and describing the subject property.
8. A collection of selected interior & exterior photographs of Camp Ottawa.
9. Phase I Environmental Site Assessment Report dated March 14, 2018.

D. Summary of Key RFP Dates

1. **Tuesday, October 1, 2019** – RFP release date.
2. **Friday, October 11, 2019, 2019 by 5:00 p.m. EST** – Recommended date by which prospective bidders register to participate in the guided site tour.
3. **Wednesday, October 16, 2019, starting at 10:00 a.m. local time** - Date of guided site tour (rain or shine) for prospective bidders.
4. **Thursday, October 31, 2019, by 5:00 p.m. EST** - Deadline for interested parties to submit written questions about the RFP and its attachments.
5. **Thursday, November 7, 2019** - Date by which official answers to properly submitted questions about the RFP and its attachments should be posted on the DTMB Real Estate Division website.
6. **Thursday, November 21, 2019 by 5:00 p.m. EST** – Completed proposals due to the DTMB Real Estate Division offices.

7. **Friday, December 6, 2019** – Intended date for announcement of an accepted winning bid. If no acceptable proposals are received, the State may extend the deadline for submitting proposals as provided in Section VI below.

II. Instructions For Bidders

A. Proposal Submission Procedures

1. Sealed Bid Proposals must be delivered as directed in Section V(D) below, on or before the Due Date of **Thursday, November 21, 2019 at 5:00 p.m. EST**. Bid Proposals received after 500 p.m. on the Due Date may not be accepted. In that event, they will be marked late and returned to the sender.
2. All components of a completed Bid Proposal must be received in one envelope or box marked "**RESPONSE TO RFP 2019-4-2013-0032 – CAMP OTTAWA SALE – IRON RIVER TOWNSHIP, MICHIGAN**" and addressed as given in Section IV-D of this RFP. The envelope or box must also contain the Bidder's complete and legible 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 Offer to Purchase Real Property shall initial and date corrections in ink and shall also initial and date the bottom of each page of the Offer to Purchase Real Property in the spaces provided.
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. The winning Proposal made to the State shall be irrevocable, except as set forth in Section 6 of the Offer to Purchase with respect to Cancellation.
7. 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.
8. Failure to provide any of the information requested in this RFP may result in disqualification of your proposal. The State also reserves the right to request additional information pertaining to any proposal submitted pursuant to this RFP or pertaining to any other matters related to this RFP.

B. Bid Package Format

1. Bidders shall submit one clearly marked original and one photocopy of their Bid Proposal package, containing the following information, tabbed in the order below:
 - a. A copy of this Request for Proposal (RFP).
 - b. Signed Purchaser's Acknowledgement, as provided in this RFP.
 - c. Signed and initialed Offer to Purchase Real Property with Purchase Price completed and property legal description attached, as included in this RFP. If submitting multiple offers, please complete and sign one (1) separate "Offer to Purchase Real Property Form" for each offer. In other words, please do not submit multiple proposals on the same Offer to Purchase Real Property Form."
 - d. An Earnest Money deposit equal to at least ten percent (10%) of the proposed purchase price must be submitted with each Proposal, as security for the Offer to Purchase Real Property. The Earnest Money deposit must come in the form of a cashier's or certified check made payable to the State of Michigan and must draw on funds on the Bidder has on account with a reputable financial institution which

is a member of the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund (NCUSIF). The Earnest Money will be simply held or deposited by the State in a State account at the State's discretion 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 deposit checks submitted by unsuccessful Bidders will be voided by hand and returned by certified mail no later than thirty (30) business days after a successful bid is selected.

- e. A signed Release of Liability Form for and from each individual person intending to participate on the scheduled site tour for prospective bidders as discussed elsewhere in this RFP. However, these particular forms may also be submitted any time before the tour begins.
- f. Evidence of Bidder's financial capability to complete the purchase, such as a letter of credit or unencumbered funds on account from a reputable financial institution which is a member of the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund (NCUSIF), as documentation of the source of funds that will be used to purchase the Property.

III. Property Inspection

- A. A guided tour of the subject property for prospective bidders is scheduled for **Wednesday, October 16, 2019 starting at 10:00 a.m. local time**, rain or shine. The tour will offer reasonably substantially views of the Property's interior and exterior spaces. Prospective bidders are strongly encouraged to participate on the tour, but is it not required.
- B. Tour participants will need to complete and submit the accompanying "Release of Liability" form in advance of the schedule tour of the Property for Prospective Bidders. Your successful submission of a completed "Release of Liability" form doubles as your official registration to participate on that tour. For the **Wednesday, October 16, 2019** tour, the requested date to submit the "Release of Liability Waiver" form is **Friday, October 11, 2019**. The easiest and fastest way to submit your completed "Release of Liability" form is via e-mail to the attention of the Camp Ottawa Project Manager at dtmb-realestate@michigan.gov. However, no one who arrives on time for the tour and submits a properly completed copy of the Release of Liability form prior to entry will be turned away. Note that each copy of the Release of Liability form can only accommodate the release and registration of one person.

IV. Questions and Deliveries Pertaining To This RFP

- A. Questions regarding the RFP must be made in writing and submitted electronically to the attention of the Camp Ottawa Project Manager via the DTMB Real Estate Division e-mail address dtmb-realestate@michigan.gov by **5:00 p.m. EST on Thursday, October 31, 2019**.

- B Every reasonable effort will be made to provide answers to duly submitted questions by **Thursday, November 7, 2019**. All duly submitted questions from all Bidders and all answers will be made available at www.michigan.gov/dtmb-realestate.
- C. The State will not respond to telephone inquiries or visitation by Bidders or their representatives with respect to this RFP.
- D. Official RFP Delivery and Contact Information:
 - Attn: Camp Ottawa Project Manager
 - Real Estate Division
 - Department of Technology, Management & Budget
 - Option 1 - For delivery via U.S.P.S:
 - P.O. Box 30026
 - Lansing, MI 48909
 - Option 2 - For delivery via private carrier:
 - 3111 West Saint Joseph Street
 - Lansing, MI 48917

V. Method of Award and Selection Criteria

Complete responses to this RFP will be evaluated by DTMB, which may convene an Advisory Committee, 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. Note that the State's chief motivator in selecting a winning bidder will be the degree to which the State can secure the highest and best fair market cash offer purchase price for the Property from a reputable bidder in good standing with the State of Michigan which convincingly demonstrates that it can complete a purchase of the Property as governed by the terms of this RFP and its related supporting documents.
- B. Bidders are cautioned that the State will not accept proposals which are contingent upon receiving other state contracts, tax credits, loan guarantees, public or private grants, rent rebates or other subsidies.
- C. Submit specific details in your response, particularly in terms of dates, numbers and dollars. Vague and/or overly general responses are not acceptable.
- D. Evidence of Bidder's financial capability to complete the purchase.
- E. Compliance with statutory, constitutional, and terms set forth in this RFP, including the Offer to Purchase.
- F. Proposals received by the State pursuant to this RFP and the sale of the property offered herein shall be consistent with the terms and conditions mandated in Section 1 of Public Act 512 of 2016.

VI. Best and Final Offer (BAFO)

- A. 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.
- B. 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.
- C. 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.
- D. Bidders are strongly encouraged to propose their best possible offer first in this RFP process, as there is no guarantee that any bidder will subsequently be allowed an opportunity to submit a BAFO.

VII. Bid Period Extension

- A. 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 www.michigan.gov/dtmb-realestate. The first qualifying bid that is received and accepted will end the extension period.

VIII. Freedom of Information Act (FOIA)

- A. 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!