

REQUEST FOR PROPOSALS

MICHIGAN STRATEGIC FUND

Pre-Seed Fund

RFP-CASE-283266

REMINDER

Please check your proposal to make sure you have included all of the specifications and required documents listed in the Request for Proposals. Please email one document that includes contact page, checklist page and proposal.

APPLICANTS ARE RESPONSIBLE FOR ASSURING THAT THE FOLLOWING IDENTIFYING INFORMATION APPEARS IN THE SUBJECT LINE OF YOUR EMAIL: "RFP-CASE-283266 with Organization Name.

The MSF will not respond to telephone inquiries, or visitation by Applicants or their representatives. APPLICANTS OR ANY OF THEIR AUTHORIZED REPRESENTATIVES MAY NOT INITIATE CONTACT WITH MEDC OR MSF STAFF OR ANY MEMBER OF THE APPOINTED JOINT EVALUATION COMMITTEE (JEC), OTHER THAN THE CONTACT LISTED BELOW, FOR ANY REASON DURING THE RFP OR PROPOSAL EVALUATION PROCESS. Applicant's sole point of contact concerning the RFP is below and any communication outside of this process may result in disqualification.

Contracts and Procurement Services
Michigan Strategic Fund
300 North Washington Square, 3rd Floor
Lansing, Michigan 48913
contractsandgrants@michigan.org

IMPORTANT DUE DATES

- **January 9, 2020, at 3:00 p.m.:** Questions from potential Applicants are due via email to contractsandgrants@michigan.org. Please note: The MSF will not respond to questions that are not received by the above date and time. In addition, questions that are phoned, faxed or sent through regular mail will not be accepted.
- **January 14, 2020, by close of business:** Responses to all qualifying questions will be posted on the MSF's website, <https://www.michiganbusiness.org/283266/>.
- **January 24, 2020, at 3:00 p.m.:** Electronic version of your Proposal due and sent to the MSF via email to contractsandgrants@michigan.org. **Proposals will not be accepted via U.S. Mail or any other delivery method.**

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REQUEST FOR PROPOSAL
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This Request for Proposals (the “RFP”) is issued by the Michigan Strategic Fund (the “MSF”), Contracts and Procurement Services unit (the “C&P”). The Michigan Economic Development Corporation (the “MEDC”) provides administrative services associated with the programs and activities of the Michigan Strategic Fund Act on behalf of the MSF. C&P is the sole point of contact with regard to all application and contractual matters relating to the services described in this RFP. C&P is the only office authorized to change, modify, amend, alter, clarify, etc. the specifications, terms and conditions of this RFP and any contract(s) awarded as a result of this RFP (the “Contract”). C&P will remain the SOLE POINT OF CONTACT throughout the application process. ***The MSF will not respond to telephone inquiries, or visitation by Applicants or their representatives. Applicant’s sole point of contact concerning the RFP is below and any communication outside of this process may result in disqualification.***

Contracts and Procurement Services
Michigan Strategic Fund
300 North Washington Square
Lansing, Michigan 48913
contractsandgrants@michigan.org

SECTION I STATEMENT OF WORK

A) PURPOSE

The Michigan Strategic Fund (“MSF”) Board is authorized to award grants and loans from the 21 Century Jobs Fund for “basic research, applied research, university technology transfer and commercialization of products, processes and services to encourage the development of competitive-edge technologies to create jobs in the state.”

Through this 2020 Pre-Seed Fund Request for Proposals (the “RFP”), the MSF Board desires to award a grant to a non-profit organization that operates fund programs to invest in pre-seed and start-up stage competitive edge technologies that require capital in the earliest stages of the commercialization process. The MSF anticipates a multiyear grant under this RFP. The initial funding allocation of up to \$3,000,000 is for the first year of the grant term. Smaller award(s) might be considered in support of existing funds to offer training (e.g. portfolio companies management, good governance training, funding staffing) and outreach opportunities in line with the MSF Strategic Plan.

B) BACKGROUND STATEMENT AND OBJECTIVES

Through the 21st Century Jobs Fund, the MSF has provided funding to non-profit organizations and universities to foster the growth of innovative companies with the potential for high growth in Michigan by investing in the most promising, nationally competitive, commercialization opportunities. The program objective is to oversee a competitive process to award funds to encourage economic diversification in competitive edge technology sectors and create jobs in Michigan.

Specifically, the key objectives of the Pre-Seed Fund are to:

- Increase the amount of early stage capital being invested in Michigan technology-based companies in the earliest phases of commercialization;
- Create a capital climate that supports the development, retention, and attraction of venture-backed technology companies in Michigan;
- Build a pipeline of high-growth technology company deal flow for the subsequent stages of funding, attracting investments both within and outside of Michigan.

Funding will be awarded to a non-profit organization through a competitive process in which all submitted proposal will be reviewed by a Joint Evaluation Committee (“JEC”). Results from the JEC review will be provided, in the form of numerical scores and award recommendation(s), to the MSF Board.

C) ELIGIBILITY

- Only non-profit organizations that currently manage early stage finding programs are eligible

to receive funding through this RFP; **AND**

- An applicant must, at the time the award is made, be: (i) a non-profit corporation duly organized under the laws of Michigan; or (ii) a foreign non-profit corporation duly authorized to transact business in Michigan; **AND**
- The principal site for the applicant's project must be a facility located in Michigan. Such a facility must be either: (i) owned or leased by the non-profit organization; or (ii) owned or leased by an organization collaborating on the project. If the principal site is owned or leased by a collaborating organization, the organization must meet the "principal site of the project" requirement for a non-profit corporation, as defined in this section.

D) QUALIFICATIONS and AWARD INFORMATION

If ELIGIBLE, the Applicant MUST ALSO FULFILL the following criteria;

- Demonstrate successful prior fund management and have an articulated strategy and/or experience in providing portfolio management to companies or projects that receive funding; **AND**
- Have a proven record of statewide reach and collaboration within existing MEDC SmartZone network and Michigan institutions of higher education, especially in the areas strategic to the MSF; **AND**
- Have a proven record of efficient, transparent operations and funding detail on a systematic basis; **AND**
- Have an articulated strategy for identification of opportunities for investment into early stage competitive edge technology; **AND**
- Demonstrate a proven ability of providing business acceleration services to competitive edge technology companies; **AND**
- Have a working knowledge of Michigan's entrepreneurial ecosystem, strong relationships within the ecosystem, and a platform for collaboration that demonstrates the ability to market the programs and to promote these investment opportunities in order to expand the investment base of Michigan; **AND**
- Have experience leveraging a qualified volunteer network to deliver a screening and due diligence process from the investment community with successful experience in venture financing or growing companies based on competitive edge technologies; **AND**
- Have the capacity to originate, process, and monitor loans, equity investments, and/or other funding instruments to companies; **AND**
- Require recipients to provide, at a minimum, the performance metrics required by PA 215 of 2005, and other metrics that may be specified by the MEDC or MSF.

Technology Sectors - Proposals submitted MUST be to foster the growth of Michigan's technology based economy by supporting early stage companies and entrepreneurs to create

jobs and commercialize product(s) within one or more of the competitive edge technology sectors defined in Section 125.2088a of the MSF Act, as amended, and as approved by the MSF Board, including Advanced Automotive, Manufacturing, Materials, Information, and Agricultural Processing Technology, Alternative Energy, Homeland Security and Defense Technology, Life Sciences, and Other Innovative Technologies.

Leverage and Match - The MSF Board encourages applicants to leverage other resources and partnerships as a condition of the award. Each proposal must provide specific financial and/or in-kind contribution committed to, or available for, the direct support of the proposed plan. Although the proportion or the amount of the leveraged resources is not specified in this RFP, applicants are highly encouraged to maximize the contribution committed for their organization. Other State of Michigan funds are not eligible for match. Letters of financial commitment and proposal support are not required in the proposal though may be requested during the award process.

Award and Grant Agreement - The grant agreement approved by the MSF Board will contain a provision that the Auditor General and Chief Financial Officer has access to the books and records, including financial records and all other information and data relevant to the terms of the grant agreement related to the use of the funds.

The successful applicant approved for funding by the MSF Board is subject to the final execution of a legal grant agreement and successful completion of a due diligence review which may include, among other things, a criminal and civil background check of the Applicant and certain key personnel. Insufficient or inappropriate proposals will not be funded.

Award Reporting Requirements - Progress Reports are due every six (6) months, due in October and April throughout the term of the grant agreement. For Progress Reports, grantees must report on Milestones, Budget, and Metrics. The grantee is responsible for timely submission of reports that must be submitted electronically through the MEDC Portal. Delayed, incomplete, or incorrect reporting filed may result in a loss of funding. Annual site visits are conducted by the MEDC Grant Manager.

Overhead Rates - The overhead rate (indirect administration costs) for the award recipient is limited to reflect actual overhead, but not greater than 15 percent (15%) of the Award Amount over the lifetime of the grant agreement. Preference will be given to proposals that are able to leverage outside funding sources to reduce overhead expenses for the award recipient.

Preferences - Public Act 215 of 2005, Section 88k provides that the following preferences will be included in the scoring and evaluation of proposals responding to this RFP (also see Section III.D.2) b.):

- A preference for proposals that can contribute to the development of economic diversification or the creation of employment opportunities in this state, especially in the areas strategic to the MSF;
- A preference for collaborations between institutions of higher education, Michigan nonprofit research institutions, Michigan nonprofit corporations, and qualified businesses; and
- A preference for proposals that meet 1 or more of the following: (i) Forecast revenues within 2 years; (ii) Have outside investments from investors with experience and management teams with experience in the industry targeted by the proposal; and (iii) Have outside directors with expertise in the industry targeted by the proposal.

E) DELIVERABLES

The intent of the proposals should be for the Applicant to invest in high growth technology-based companies that are primarily in the early phases of commercialization.

Proposals must demonstrate an ability and willingness to invest in the pre-seed stages of a company's development.

- Applicant must demonstrate a plan of action to support companies with activities including, but not limited to, prototype development and testing, customer and partnership sourcing, continued pre-clinical data compilation, meeting staffing requirements, and securing follow-on financing. Investments at this stage must leverage matching financial contributions, and preference will be given to proposals based on their ability to secure matching funds.
- All Proposals must provide evidence of collaborations/formal relationships with Michigan SmartZones, Universities, Venture Capital Firms, Angel Groups, and other organizations, either with or without state support, in connection with the commercialization of technology-based opportunities. Such relationships should involve deal sharing, an exchange of services, and/or established processes for the commitment of resources to joint opportunities.

For proposed investment or loan fund programs, all returns must be reinvested by the Fund(s) for the same purposes as outlined in this Request for Proposals. If the Fund(s) are unable or unwilling to continue this investment activity, the principal shall be returned to the Jobs for Michigan Investment Fund (the "Permanent Fund") and all loans and future returns will be assigned to the MEDC.

- The Fund(s) shall pay a return to the Jobs for Michigan Investment Fund (the "Permanent Fund") from any royalties, license fees, interest, dividends, distributions above basis, capital gains, or other return on investment actually received net of any applicable taxes, including but not limited to unrelated business income taxes (collectively, "ROI") until such time as an amount equal to the entire award given to the Fund has been paid to the Permanent Fund.

Once the Award Amount has been repaid in its entirety, the Fund(s) shall pay further returns to the Permanent Fund in perpetuity.

SECTION II PROPOSAL FORMAT

To be considered, each Bidder must submit a COMPLETE proposal in response to this RFP using the format specified. Bidder's proposal must be submitted in the format outlined below. There should be no attachments, enclosures, or exhibits other than those required in the RFP or considered by the Bidder to be essential to a complete understanding of the proposal. Each section of the proposal should be clearly identified with appropriate headings:

A) **COMPLETE PROPOSAL**

1. **Contact Page** – State the Organizations full name, address, and phone and facsimile number. Also included should be contact information, including phone number, email, cell number and fax numbers. Please also include signature of the authorized signor of the applicant organization.

2. **Checklist Page** – Include a checklist of the required sections of the proposal, as listed in this Section II-A) 3a-h and an indication that the section is included in the proposal. As noted in Section III R below, also include the following: “Applicant certifies that it is not an Iran-linked business as defined in MCL 129.312.” Applicant should provide Conflict of Interest information if applicable, see Section III F.

3. **Proposal** – (up to 10 pages) – provide a proposal and include the required elements a-h, as described here. **In the Proposal clearly identify the following sections as headers.**

a. **Eligibility** – the Applicant must clearly identify how they are eligible to apply and fulfill all criteria identified in Sections I.C. & I.D. above.

b. **Executive Summary** – the Executive Summary should summarize the information provided in response to paragraphs (a) above and (c) through (h) below. And specifically indicate:

- **NAME OF THE APPLICANT ORGANIZATION**
- **ELIGIBILITY CRITERIA** (See Sections I. C. & I.D. above)
- **AMOUNT OF FUNDS REQUESTED**
- **AMOUNT OF MATCHING FUNDS**
- **TERM**
- **PURPOSE OF THE FUNDS**
- **TARGETED NUMBERS FOR**
 - **Number of investments**
 - **Companies Created**
 - **Jobs Created**
 - **Jobs Retained**
 - **Follow on Investments**

c. **Purpose/Proposed Services** – the Applicant must clearly indicate whether the organization is a non-profit entity. The Applicant must clearly describe how the proposed use of funds will foster the growth of Michigan’s technology-based economy and clearly identify the specific competitive edge technology sectors that the Applicant will serve. The following must be identified in the proposal:

- The services proposing to deliver including but not limited to: identifying opportunities, collaborating with partners, managing investment review board, completing due diligence and legal paperwork, providing and managing funds, providing follow-up to applicants not receiving funding, providing portfolio management to applicants receiving funding, restructuring deals, handling conflict of interest, reporting.
- The Competition or others that provide similar services

d. Past Experience – the Applicant should indicate past experience in early stage investing and/or investment/loan portfolio management, including successes, metrics and the source of past funding for these services, for example were they supported by state programs, federal programs, other sources, etc. Also indicate if Applicant is currently receiving funds from state programs and how if the Applicant receives an award from this RFP, all state funds will be used in the most effective manner. Clearly indicate the Applicant’s past experience and expertise in all areas of the Program, specifically examples of past experience in identifying opportunities, marketing programs, branding programs, collaborating with partners, identifying and managing investment review boards, completing due diligence and legal paperwork, providing and managing funds, providing follow-up to applicants not receiving funding, providing portfolio management to applicants receiving funding, restructuring of deals, reporting.

e. Team, Partners – Summarize key personnel, their time commitment to the project, their specific responsibilities, and their value. Identify collaborative partners, their responsibilities and value.

f. Milestones/Deliverables - Identify semi-annual milestones/deliverables that the Applicant will commit to as a result of providing the proposed services. If Applicant is awarded funding, Progress Reports are due April 15 and October 15 every year throughout the award, therefore provide milestones/deliverables that will be completed in April and October over the course of the proposal. Include a “targeted metrics” milestone for each reporting period. For this milestone, the applicant should indicate a targeted number for each of the following metrics (or metrics relevant to this early stage program): companies created, jobs created, and follow on funding. Identify how milestone completion will result in specific Economic Impact identified in (h).

g. Budget Request - Attach a schedule of all expenses covering each of the services and activities identified in your proposal. Specifically identify THE AMOUNT OF FUNDS REQUESTED, the TERM REQUESTED, PUBLIC AND/OR PRIVATE LEVERAGED FUNDS, and what the Applicant proposes to do with FUNDS APPLIED THROUGH THIS RFP and the TIMING OF THE FUNDS. Progress Reports are due in April and October so proposals should include 6-month budgets of relevant line items that align with these dates. Include the budget in a table format with column headings. Preference is that this funding should not overlap other MSF Board approved funding, and this grant starts at the end of existing grant.

h. Economic Impact - Identify the targeted number of companies created, jobs created, and follow on funding or increases in investment/revenue resulting from the services. Include justification and assumptions related to these expectations. You will be held responsible for delivering these specific numbers in your semi-annual Progress Reports and targeted numbers

must be achieved to receive disbursements of grant funding. Explain how you define success and will deliver a successful program. Identify how you will make an economic development impact.

4. Disbursement of Grant Funds– will be scheduled throughout the term of the grant based upon completion of milestones including (completion of targeted metrics) and spending according to the proposed budget.

B) PROPOSAL SUBMITTAL

Submit separately marked electronic versions of your Proposal to the MSF via email to contractsandgrants@michigan.org not later than **3:00 p.m. on January 24, 2020**. The MSF has no obligation to consider any proposal that is not timely received. **Proposals will not be accepted via U.S. Mail or any other delivery method.**

APPLICANTS ARE RESPONSIBLE FOR ASSURING THAT THE FOLLOWING IDENTIFYING INFORMATION APPEARS IN THE SUBJECT LINE OF YOUR EMAIL: *"RFP-CASE-283266 with Applicant Name*.

**SECTION III
RFP PROCESS AND TERMS AND CONDITIONS**

A) QUESTIONS

Questions from Applicants concerning the specifications in this RFP must be received via e-mail no later than **3:00 pm on January 9, 2020**. Questions must be submitted to:

Contracts & Procurement Services
contractsandgrants@michigan.org

B) PROPOSALS

To be considered, Applicants must submit a complete response to this RFP, using the format provided in Section II of this RFP, by **3:00 p.m. on January 24, 2020**. No other distribution of proposals is to be made by the Applicant. Applicant is responsible for ensuring that the proposal is submitted to the proper email address.

C) ECONOMY OF PREPARATION

Each proposal should be prepared simply and economically, providing a straightforward, concise description of the Applicants ability to meet the requirements of the RFP. Emphasis should be on completeness and clarity of content.

D) SELECTION CRITERIA

Responses to this RFP will be evaluated based upon a two-step selection process. The proposal must address the requirements described in Section II of this RFP.

The first step is an evaluation of which proposals satisfactorily meet the requirements of this RFP as stated in Section II.

1) Step I – Initial evaluation for compliance

a) *Proposal Content* – Contracts & Procurement Services will screen the proposals for technical compliance to include but not be limited to:

- Timely submission of the proposal.
- Eligibility
- Executive Summary
- Purpose
- Past Experience
- Team, Partners
- Milestones/Deliverables
- Budget
- Economic Impact
- Proposal signed physically or electronically by an official of the Applicant authorized to bind the Applicant to its provisions.

- Proposals satisfy the form and content requirements of this RFP.

2) Step II – Criteria for Satisfactory Proposals

- a.) During the second step of the selection process, proposals will be considered by a Joint Evaluation Committee (the “JEC”) comprised of individuals selected by the MSF. Only those proposals that satisfy the requirements described in this RFP, as determined in the sole discretion of the JEC, will be considered for evaluation in Step II. The JEC reserves the right to request additional information from any Applicant.
- b.) *Purpose, Economic Impact and Competence of Personnel* – The proposal should indicate the ability of the Applicant to meet the eligibility requirements of this RFP and achieve the economic impact, in line with the MSF Strategic Plan. The proposal should indicate the competence of the personnel whom the Applicant intends to assign to the project, including education and experience.

		Weight
1.	Eligibility	Yes or No
2.	Executive Summary	5
3.	Purpose/Proposed Services	20
4.	Past Experience	15
5.	Team, Partners	20
6.	Milestones/Deliverables	10
7.	Budget	10
8.	Economic Impact	20
TOTAL		100

- c.) During the JEC’s review, Applicants may be required to make oral presentations of their proposals to the JEC. These presentations provide an opportunity for the Applicants to clarify the proposals. The MEDC will schedule these presentations, if required by the JEC. Only those Applicants that score 70 points or higher on the written review will be invited for an oral presentation if the JEC determines that an oral presentation is necessary.
- d.) Only those proposals receiving a score of **80 points or more** in the proposal evaluation will have their proposal evaluated to be considered for award.

E) TAXES

The MSF may refuse to award a contract to any Applicant who has failed to pay any applicable taxes or if the Applicant has an outstanding debt to the State of Michigan or the MSF.

Except as otherwise disclosed in an exhibit to the Proposal, Applicant certifies that all applicable taxes are paid as of the date the Applicants Proposal was submitted to the MSF and the Applicant owes no outstanding debt to the State of Michigan or the MSF.

F) CONFLICT OF INTEREST

The Applicant must disclose, in an exhibit to the proposal, any possible conflicts of interest that may result from the award of the Contract or the services provided under the Contract.

Except as otherwise disclosed in the proposal, the Applicant affirms that to the best of its knowledge there exists no actual or potential conflict between the Applicant, the Applicant's project manager(s) or its family's business or financial interests ("Interests") and the services provided under the Contract. In the event of any change in either Interests or the services provided under the Contract, the Applicant will inform the MSF regarding possible conflicts of interest which may arise as a result of such change and agrees that all conflicts shall be resolved to the MSF's satisfaction or the Applicant may be disqualified from consideration under this RFP. As used in this Section, "conflict of interest" shall include, but not be limited to, the following:

- 1) Giving or offering a gratuity, kickback, money, gift, or anything of value to a MSF official, officer, or employee with the intent of receiving a contract from the MSF or favorable treatment under a contract;
- 2) Having or acquiring at any point during the RFP process or during the term of the Contract, any contractual, financial, business or other interest, direct or indirect, that would conflict in any manner or degree with Applicants performance of its duties and responsibilities to the MSF under the Contract or otherwise create the appearance of impropriety with respect to the award or performance of the Contract; or
- 3) Currently in possession of or accepting during the RFP process or the term of the Contract anything of value based on an understanding that the actions of the Applicant or its affiliates or Interests on behalf of the MSF will be influenced.

G) BREACH OF CONTRACT

Except as otherwise disclosed in an exhibit to Applicant's proposal, Applicant is not in material default or breach of any contract or agreement that it may have with the State of Michigan or any of its departments, commissions, boards or agencies, or any other public body in the State of Michigan. Further, Applicant represents and warrants that it has not been a party to any contract with the State of Michigan or any public body that was terminated within the previous five (5) years because the Applicant failed to perform or otherwise breached an obligation of such contract.

H) DISCLOSURE OF LITIGATION

Except as otherwise disclosed in an exhibit to Applicant's proposal, there is no criminal litigation, investigations or proceedings involving the Applicant (and each subcontractor, if subcontractors will be used to provide the goods/services requested under this RFP) or any of the Applicant's officers or directors or any litigation or proceedings under the Sarbanes-Oxley Act. In addition, Applicants must disclose in the exhibit requested under this Section of the RFP any civil litigation, arbitration or proceeding to which the Applicant (or, to the extent Applicant is aware, any subcontractor) is a party and which involves: (1) disputes that might reasonably be expected to adversely affect the viability or financial stability of the Applicant (or subcontractor); or (2) a claim or written allegation of fraud or breach of contract against Applicant (or, to the extent Applicant is aware, subcontractor), by a governmental or public entity arising out of their

business dealings with governmental or public entities. Details of any settlements which Applicant is prevented from disclosing under the terms of the settlement may be annotated as such. Applicants must also disclose any investigations by the Internal Revenue Service or any other federal or state taxing body or court.

I) FALSE INFORMATION

If the MSF determines that an Applicant purposefully or willfully submitted false information in response to this RFP, the Applicant will not be considered for an award and any resulting Contract that may have been executed may be terminated.

J) ADDITIONAL DISCLOSURE

All Applicants should be aware that proposals submitted to the MSF in response to this RFP may be subject to disclosure under the provisions of Public Act 442 of 1976, as amended, known as the Freedom of Information Act ("FOIA"). Accordingly, confidential information should be excluded from Applicant's proposals. Applicants, however, are encouraged to provide sufficient information to enable the MSF to determine the Applicant's qualifications and to understand or identify areas where confidential information exists and could be provided. The FOIA also provides for the complete disclosure of the Contract and any attachments or exhibits thereto.

K) CLARIFICATION/CHANGES IN THE RFP

Any change or update to the acceptance of proposals will be posted on the MEDC website. Such postings shall constitute constructive notice to the general public and to all Applicants of any modifications or alterations of the deadline for proposals. Therefore, Applicants are strongly encouraged to continuously check the MEDC website at www.michiganbusiness.org/public-notices-rfps/.

Neither the MSF nor the MEDC will directly notify Applicants of any changes to the RFP.

L) ELECTRONIC RECEIPT OF PROPOSAL

AN ELECTRONIC VERSION OF YOUR PROPOSAL MUST BE RECEIVED AND TIME-STAMPED BY THE MSF TO contractsandgrants@michigan.org, ON OR BEFORE **3:00 p.m. on January 15, 2016**. Applicants are responsible for timely submission of their proposal. THE MSF HAS NO OBLIGATION TO CONSIDER ANY PROPOSAL THAT IS NOT RECEIVED BY THE APPOINTED TIME.

M) RESERVATION OF MSF DISCRETION

Notwithstanding any other statement in this RFP, the MSF reserves the right to:

- 1) reject any and all proposals;
- 2) waive any errors or irregularities in the bidding process or in any proposal;
- 3) rebid the project;
- 4) negotiate with any Applicant for a reduced price, or for an increased price to include any alternates that the Applicant may propose;
- 5) reduce the scope of the project, and rebid or negotiate with any Applicant regarding the

- revised project; or
6) defer or abandon the project.

The MSF's decision is final and not subject to appeal. Any attempt by an applicant, collaborating entity, or other party of interest to the project to influence the awards process, to appeal, and/or take any action, including, but not limited to, legal action, regarding the proposal or awards process in general may result in the applicant's disqualification and elimination from the award process.

N) JURISDICTION

Any legal action arising from or concerning this RFP shall be brought in the Michigan Court of Claims or, as appropriate, the Ingham County Circuit Court in Ingham County, Michigan. Nothing in this RFP shall be construed to limit the rights and remedies of the MSF that are otherwise available.

O) ADDITIONAL CERTIFICATION

Pursuant to Public Act 517 of 2012, an Iran-linked business is not eligible to submit a bid on a request for proposal, with a public entity.

Applicants must include the following certification in the technical proposal:

"Applicant certifies that it is not an Iran-linked business as defined in MCL 129.312."

Failure to submit this certification will result in disqualification from consideration.

P) CIVIL AND CRIMINAL BACKGROUND CHECKS

Under the MSF Background Review Policy, the Application and the Applicant's Key Individual's may be required to undergo civil and criminal background checks. "Key Individuals" means the Applicant's Chief Executive Officer, or the similarly situated person in charge of the Applicant's executive operations; the Chief Financial Officer, or similarly situated person in charge of the Applicant's financial affairs; the Chief Operating Officer, or similarly situated person in charge of the Applicant's daily operations; and the individual who is responsible for managing MSF incentives for the Applicant.