

**REQUEST FOR PROPOSALS**  
**MICHIGAN STRATEGIC FUND**  
**Business Incubator Grant**  
**RFP-CASE-255127**

## **REMINDER**

Please check your proposal to make sure you have included all of the specifications in the Request for Proposals. In addition, please submit an electronic version of each of the following:

- Technical Proposals (Section II-A);
- Conflicts of Interest Disclosure (if applicable) (Section II-G).

**BIDDERS ARE RESPONSIBLE FOR ASSURING THAT THE FOLLOWING IDENTIFYING INFORMATION APPEARS IN THE SUBJECT LINE OF YOUR EMAIL: “RFP-CASE-255127”** with *Company Name*, and “*message 1 of 3*” as appropriate if the bid consists of multiple emails.

**The Michigan Strategic Fund (the “MSF”) will not respond to telephone inquiries, or visitation by Bidders or their representatives. Bidder’s sole point of contact concerning the RFP is below and any communication outside of this process may result in disqualification.**

Contract Services  
Michigan Strategic Fund  
300 North Washington Square, 3rd Floor  
Lansing, Michigan 48913  
[contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org)

## **IMPORTANT DUE DATES**

- **January 2<sup>nd</sup>, 2019 3:00 p.m., at 3:00 p.m.:** Questions from potential Bidders are due via email to [contractsandgrants@michigan.org](mailto: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 7<sup>th</sup>, 2019, by close of business:** Responses to all qualifying questions will be posted on the MSF’s website, <http://www.michiganbusiness.org/255127>.
- **January 31<sup>st</sup>, 2019, at 3:00 p.m.:** An electronic version of your proposal is due to the MSF via email to [contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org). **Proposals will not be accepted via U.S. Mail or any other delivery method.**

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**REQUEST FOR PROPOSAL**  
**BUSINESS INCUBATOR PROGRAMS**  
**RFP-CASE-255127**

This Request for Proposals (the “RFP”) is issued by the Michigan Strategic Fund (the “MSF”), Contract Services unit (the “CS”). 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. CS is the sole point of contact with regard to all bidding and contractual matters relating to the services described in this RFP. CS 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”). CS will remain the SOLE POINT OF CONTACT throughout the bidding process. ***The MSF will not respond to telephone inquiries, or visitation by Bidders or their representatives. Bidder’s sole point of contact concerning the RFP is below and any communication outside of this process may result in disqualification.***

Contract Services  
Michigan Strategic Fund  
300 North Washington Square  
Lansing, Michigan 48913  
[contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org)

## SECTION I STATEMENT OF WORK

### A) PURPOSE

Section 88k(2) of the Michigan Strategic Fund (“MSF”) Act, MCL 125.2088k(2), allows the (“MSF”) Board to award grants and loans from the 21<sup>st</sup> 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 2019 Business Incubator Request for Proposals (the “Business Incubator RFP”), the MSF Board desires to allocate up to \$668,792 (“Award Amount”), disbursed up to 1 year, to non-profit organizations/universities that operate business incubator/accelerator programs AND fulfill the ELIGIBILITY and QUALIFICATIONS below.

This RFP is focused on providing funding for organizations for the following activities:

- 1) For those that require funding to support their “Gateway Representative” (formerly called gatekeeper), business accelerator fund, and pre-seed fund activities.
- 2) Do not have a Business Incubator Gateway “formerly called gatekeeper” grant that ends 4/1/2019 or later

### B) BACKGROUND STATEMENT AND OBJECTIVES

Since 2009 the MSF has provided funding to business incubators to **stimulate the creation and continued growth of technology-based businesses and jobs** by capitalizing on the State of Michigan's growing base of high technology industry, its skilled labor force, its nationally recognized university system, its SmartZones, and its business incubators. The MSF through this RFP continues to encourage this activity.

Funding in the form of a grant will be awarded to non-profit organizations or institutions of higher education through a competitive process in which all submitted proposals 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

- Organizations with MSF/MEDC grants under the business incubator gatekeeper program that end 4/1/2019 or later are **not** eligible to apply.

- **Only organizations that FULFILL the following criteria are eligible to apply. DO NOT APPLY IF YOU DO NOT FULFILL THE FOLLOWING CRITERIA.**

1. Incubators/Accelerators located within a certified SmartZone (including certified SmartZone Satellites).

**D) QUALIFICATIONS and AWARD INFORMATION**

IF APPLICANT IS ELIGIBLE UNDER THE ELIGIBILITY CRITERIA LISTED ABOVE, APPLICANT MUST ALSO FULFILL THE FOLLOWING CRITERIA:

- **Purpose**

To assist certified SmartZones or those organizations associated with a certified SmartZone or certified SmartZone satellite.

Standard proposals for up to \$100,000/year for one (1) year or supplemental proposals for up to \$150,000/year for one (1) year may be submitted. For standard requests up to \$100,000, the 1-1 match can be cash, in-kind or a combination of cash and in-kind. IF the SmartZone incubator/accelerator can demonstrate the need for additional resources (an additional key person) to fulfill these duties within the certified geographic boundaries of the SmartZone, they may apply for up to an additional \$50,000 to cover these expenses (\$150,000 total maximum grant/year). A 1-1 **CASH** match is required for any additional funding request beyond \$100,000. This funding will only be available to pay the salary of a key person(s) and his/her expenses.

The key person must perform, at a minimum, the following duties:

- Help clients with gateway activities, such as but not limited to, identifying and attracting clients and helping them navigate through the entrepreneurial ecosystem
- Help clients with Business Accelerator Fund applications and support Business Accelerator Fund activities
- Help clients with First Capital Fund applications and support First Capital Fund activities
- Help clients with Pre-Seed Fund applications and support Pre-Seed Fund activities
- Help client with federal grant applications including but not limited to connecting them to BBCetc (MSF funded SBIR/STTR federal grant applications support)
- Attend quarterly SmartZone and Gateway meetings
- Collect and monitor the outcomes of the SmartZone or SmartZone satellite, and supply those performance metric outcomes to the MEDC every six (6) months

The proposal must identify the need for such a person, how the person meets the need, and how the person will carry out his/her responsibilities. The proposal must also provide resume of key person (if already identified). This person should have at least one-year experience working for a technology start-up or early stage company. If not, must provide a process whereby this person is trained and mentored by an approved service provider (such as SBDC) to work with technology companies. Hiring of the key person is contingent upon MEDC approval.

- **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.

- **Non-Profit Entities and Institutions of Higher Education**

Only non-profit organizations and Michigan institutions of higher education are eligible to receive funding through this RFP. To be eligible as a non-profit corporation, 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. 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. Eligible non-profit organizations must be authorized to conduct business in the State of Michigan. Universities must be Michigan universities.

- **Leverage and Match**

The MSF Board encourages applicants to leverage other resources as a condition of the award. Each proposal must provide specific financial or in-kind contribution committed to, or available for, the direct support of the proposed plan to reach the required 1:1 match. Cash match is favored. Other State of Michigan grant funds are not eligible to meet the match requirement. Letters of financial commitment and proposal support are not required in the proposal though may be requested during the award process.

- **Award and Grant Agreements**

All grant agreements approved by the MSF Board will contain a provision that the Auditor General 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.

Successful proposals approved for funding by the MSF Board are 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 will likely result in a loss of funding to the incubator/accelerator.

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.



## 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 Organization's full name, address, and phone and facsimile number. Also included should be contact information, including phone number, email, cell phone number, and fax numbers. Also include signature of the authorized signor of the applicant organization.
- 2) Check List Page – Include a checklist of the required sections of the proposal, as listed in this Section II-A) 3 a-h and an indication that the section is included in the proposal. And include as indicated in Section III.O. below the following: "Applicant certifies that it is not an Iran-linked business as defined in MCL 129.312." Applicant should provide Conflict of Issues information if applicable, see IIIF.
- 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 under one of the following criteria:

1. Eligibility Criteria 1: Incubators located within a certified SmartZone (including certified SmartZone Satellites) AND current business incubator gateway (formerly gatekeeper) funding ends prior to 4/1/2019.

#### 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:

- **THE NAME OF THE APPLICANT ORGANIZATION**
- **THE ELIGIBILITY CRITERIA (See Section I.C. above) AND PROOF OF SUCCESS**
- **THE AMOUNT OF FUNDS REQUESTED**
- **THE AMOUNT OF MATCHING FUNDS**
- **THE TERM (up to 1 year)**
- **THE PURPOSE OF THE FUNDING**
- **TARGETED NUMBERS FOR:**
  - **Companies Created**
  - **Jobs Created**
  - **Increase Investment/Revenue**

**c) Purpose of Funds**

The Applicant must clearly indicate whether the organization is a non-profit corporation or an institution of higher education. 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 Proposals must clearly indicate how the Applicant will fulfill the following purposes:

- To assist certified SmartZones or those organizations associated with a certified SmartZone or certified SmartZone satellite.

Standard proposals for up to \$100,000/year for one (1) year or supplemental proposals for up to \$150,000/year for one (1) year may be submitted. For standard requests up to \$100,000, the 1-1 match can be cash, in-kind or a combination of cash and in-kind. IF the SmartZone incubator/accelerator can demonstrate the need for additional resources (an additional key person) to fulfill these duties within the certified geographic boundaries of the SmartZone, they may apply for up to an additional \$50,000 to cover these expenses (\$150,000 total maximum grant/year). A 1-1 **CASH** match is required for any additional funding request beyond \$100,000. This funding will only be available to pay the salary of a key person(s) and his/her expenses.

The key person must perform, at a minimum, the following duties:

1. Help clients with gateway activities, such as but not limited to, identifying and attracting clients and helping them navigate through the entrepreneurial ecosystem
2. Help clients with Business Accelerator Fund applications and support Business Accelerator Fund activities
3. Help clients with First Capital Fund applications and support First Capital Fund activities
4. Help clients with Pre-Seed Fund applications and support Pre-Seed Fund activities
5. Help client with federal grant applications including but not limited to connecting them to BBCetc (MSF funded SBIR/STTR federal grant applications support)
6. Attend quarterly SmartZone and Gateway meetings
7. Collect and monitor the outcomes of the SmartZone or SmartZone satellite, and supply those performance metric outcomes to the MEDC every six (6) months
8. The proposal must identify the need for such a person(s), how the person(s) meets the need, and how the person will carry out his/her responsibilities.

**d) Past Experience**

The Applicant should indicate past experience with technology-based business incubation/acceleration.

**e) Team**

Summarize key personnel, their time commitment to the project, their specific responsibilities, and their value. Identify collaborative partners, their responsibilities, and value. Must include RESUME of key person. Key person must have at least one-year experience working for a technology start-up or early stage company or include a process whereby he/she will work with an approved service provider for coaching and guidance.

**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: companies created, jobs created, and follow on funding. Identify how milestone completion will result in specific Economic Impact identified in (h).

Additionally, Applicants selected for funding will be required to submit performance metrics to measure the effectiveness of the program; these metrics include, but are not limited to: dollars leveraged, new companies created, companies expanded, companies served, jobs created, jobs retained, average salaries of new and retained jobs, new sales, and funding obtained by client companies, including amount and source of such funding (sources including state funds, federal funds, venture capital, angel funds, bank/loan, owner investment, other), as well as the names and amounts of companies funded by the program.

**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 (identify the 1:1 match), 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, Start of grant-9/30/2019, 10/1/19-3/31/20, etc. and rows should include the expense line-items. Budget line-items should be only for the pay and expenses of the key person.

**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. Explain how you define success and will deliver a successful program. Identify how you will make an economic development impact and be sustainable.

**B) PROPOSAL SUBMITTAL**

Submit an electronic version of each of your Proposal to the MSF via email to [contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org) not later than **3:00 p.m. on January 31<sup>st</sup>, 2019**. 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.**

BIDDERS ARE RESPONSIBLE FOR ASSURING THAT THE FOLLOWING IDENTIFYING INFORMATION APPEARS IN THE SUBJECT LINE OF YOUR EMAIL: "*RFP-CASE-255127 Proposal*" with *Company Name*, and "*message 1 of 3*" as appropriate if the bid consists of multiple emails.

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

**A) PRE-BID MEETING/QUESTIONS**

A pre-bid meeting will not be held. Questions from Bidders concerning the specifications in this RFP must be received via e-mail no later than **3:00 pm on January 2<sup>nd</sup>, 2019**. Questions must be submitted to:

Contract Services  
[contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org)

**B) PROPOSALS**

To be considered, Bidders 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 31<sup>st</sup>, 2019**. No other distribution of proposals is to be made by the Bidder.

**C) ECONOMY OF PREPARATION**

Each proposal should be prepared simply and economically, providing a straightforward, concise description of the Bidder's 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 review 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. Incomplete proposals will not be accepted or reviewed.

1) Step I – Initial evaluation for compliance

a) *Proposal Content* – Contracts and Grants will screen the proposals for technical compliance to include but not limited to:

- Timely submission of the proposal
- Eligibility
- Executive Summary
- Purpose
- Past Experience
- Team
- Milestones/deliverables
- Budget
- Economic impact – Expected number of businesses created, jobs created, and private investment leveraged.
- 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 JEC comprised of individuals selected by the MSF. Only those proposals that satisfy the technical 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 and requirements of this RFP and achieve the economic impact. The proposal should indicate the competence of the personnel whom the Applicant intends to assign to the project, including education and experience.

		<b>Weight</b>
1.	ELIGIBILITY	Yes or No
2.	Executive Summary	5
3.	Purpose	15
4.	Past Experience	10
5.	Team	20
6.	Milestones/Deliverables	10
7.	Budget	10
8.	Economic Impact	15
9.	Preferences	15
<b>TOTAL</b>		<b>100</b>

- c.) Statutorily-required preferences and additional preferences –
- Contributes to the development of economic diversification or the creation of employment opportunities in this state.
  - Promotes collaborations between institutions of higher education, Michigan nonprofit research institutions, Michigan nonprofit corporations, and qualified businesses.
  - Meets 1 or more of the following: (i) Forecasts revenues within 2 years; (ii) Has outside investments from investors with experience and management teams with experience in the industry targeted by the proposal; and (iii) Has outside directors with expertise in the industry targeted by the proposal.
  - Is contributing a cash match.
  - Is able to leverage outside funding sources to reduce overhead expenses.
- d.) 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.

**E) BIDDERS COSTS**

The MSF is not liable for any costs incurred by any Bidder prior to signing of the Contract by all parties.

**F) TAXES**

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

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

**G) CONFLICT OF INTEREST**

The Bidder 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 Bidder affirms that to the best of its knowledge there exists no actual or potential conflict between the Bidder, the Bidder'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 Bidder 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 Bidder 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 Bidder's 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 Bidder or its affiliates or Interests on behalf of the MSF will be influenced.

**H) BREACH OF CONTRACT**

Except as otherwise disclosed in an exhibit to Bidder's proposal, Bidder 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, Bidder 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 Bidder failed to perform or otherwise breached an obligation of such contract.

**I) DISCLOSURE OF LITIGATION**

Except as otherwise disclosed in an exhibit to Bidder's proposal, there is no criminal litigation, investigations or proceedings involving the Bidder (and each subcontractor, if subcontractors will be used to provide the goods/services requested under this RFP) or any of the Bidder's officers or directors or any litigation or proceedings under the Sarbanes-Oxley Act. In addition, Bidders must disclose in the exhibit requested under this Section of the RFP any civil litigation, arbitration or proceeding to which the Bidder (or, to the extent Bidder 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 Bidder (or subcontractor); or (2) a claim or written allegation of fraud or breach of contract against Bidder (or, to the extent Bidder 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 Bidder is prevented from disclosing under the terms of the settlement may be annotated as such. Bidders must also disclose any investigations by the Internal Revenue Service or any other federal or state taxing body or court.

**J) FALSE INFORMATION**

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

**K) ADDITIONAL DISCLOSURE**

All Bidders 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 Bidders' proposals. Bidders, however, are encouraged to provide sufficient information to enable the MSF to determine the Bidder'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.



**L) PRICES HELD FIRM**

LENGTH OF TIME PRICES ARE TO BE HELD FIRM: All rates quoted in Bidder's response to this RFP will be firm for the duration of the Contract. No price changes will be permitted. IN THE EVENT THAT PROPOSED CHANGES ARE NOT ACCEPTABLE TO THE MSF, THE CONTRACT SHALL BE TERMINATED, AND THE MODIFIED CONTRACT SHALL BE SUBJECT TO COMPETITIVE BIDDING.

**M) BEST AND FINAL OFFER**

At any time during the evaluation process, the JEC may request a Best and Final Offer ("BAFO") from any Bidder. This will be the final opportunity for a Bidder to provide a revised proposal. The scope of the changes allowed in the BAFO will be published as part of the issuance of the BAFO request.

**Bidders are cautioned to propose the best possible offer at the outset of the process, as there is no guarantee that any Bidder will be allowed an opportunity to engage in Pricing Negotiations or requested to submit a Best and Final Offer.**

**N) CLARIFICATION/CHANGES IN THE RFP**

Changes made to the RFP as the result of responses made to qualifying questions or concerns will be posted on <http://www.michiganbusiness.org/255127>. Applicants are encouraged to regularly check this site for changes or other information related to the RFP.

**O) ELECTRONIC BID RECEIPT**

ELECTRONIC VERSIONS OF YOUR PROPOSALS SENT MUST BE RECEIVED AND TIME-STAMPED BY THE MSF TO [contractsandgrants@michigan.org](mailto:contractsandgrants@michigan.org), ON OR BEFORE **3:00 p.m. on January 31<sup>st</sup>, 2019**. Bidders 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.

**P) 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 Bidder for a reduced price, or for an increased price to include any alternates that the Bidder may propose;
- 5) reduce the scope of the project, and rebid or negotiate with any Bidder 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.

**Q) 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.

**R) 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.

Bidders must include the following certification in the technical proposal:

**“Bidder 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.

**S) EXTENSION**

The MSF Board may, in its sole discretion, extend the term of the grant agreement and increase the grant funds, subject to available funding.