



THE WAYNE COUNTY LAND BANK CORPORATION

**REQUEST FOR PROPOSALS
FOR
TITLE SERVICES**

RFP TIMETABLE

ACTION	DATE	TIME
RFP Issue Date	December 1, 2020	3:30 PM EST
Response Deadline Date	January 15, 2021	11:59 PM EST
Accepted Respondent Notification Date	January 22, 2021	5:00 PM EST

Description: The Wayne County Land Bank Corporation (“WCLB”) requests responses to this Request for Proposals (RFP) for the purpose of growing its pool of recommended contractors to conduct title services, including, but not limited to performing title searches and issuing preliminary title commitments and title insurance policies. Winning bidders will be included in the WCLB’s recommended contractors for title services with the overall goal of expanding its current quiet title program to provide title insurance for as many WCLB properties as possible.

Contact: Krystle Brooks, General Counsel
Phone: (313) 224-0408 (office)
Email: kbrooks@waynecounty.com

A copy of this RFP may be obtained from the BidNet Direct website (formerly MITN.info) at <https://www.bidnetdirect.com>, until the deadline date and time noted above. It will also be posted on the WCLB’s website at www.waynecountylandbank.com. *Responses must be in the actual possession of the Wayne County Land Bank on, or prior to, the exact date and time indicated above. Late responses will not be accepted.*



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SECTION 1

INTRODUCTION, OVERVIEW, & INSTRUCTIONS

1.1 Introduction/Background

The WCLB, which owns and manages over 1,200 properties across Wayne County, is a public authority designed to address the scourge of blighted, tax-foreclosed properties throughout Wayne County. Through its programs and development efforts, the WCLB maintains properties, markets properties, and works with municipalities and community partners to return blighted land to productive use and contribute to neighborhood stabilization.

1.2 Overview

The purpose of this RFP is to expand its pool of recommended title vendors in advance of an expanded title program that begins in January 2021.

The Land Bank Fast Track Act grants the WCLB the right to perform an expedited quiet title action to extinguish all liens and vest the WCLB with good and marketable fee simple title to the properties that it puts through the program. Since the inception of the Quiet Title program in 2016, WCLB has successfully quieted title to more than 300 properties. While the current program is good for quieting title to tax-foreclosed properties, WCLB would like to expand the program to offer title insurance on WCLB properties, especially if there is nothing of record clouding title and a quiet title action is unnecessary¹. Title insurance offers various benefits and protections including increased marketability of the property, improving purchasers' chances of obtaining financing, protecting the purchaser against potential title claims, and making it possible for owners to later convey the property via warranty deed.

The WCLB will select 2 winning bidders as recommended contractors to provide title services for properties sold by the WCLB. If a property is insurable, the recommended contractor list may also be shared with purchasers who are interested in purchasing title insurance. While the WCLB strongly encourages the purchase of title insurance, it is completely optional and the purchaser is not required to purchase title insurance or purchase title insurance from a WCLB contractor. However, winning bidders will go through the process of being set up as a Wayne County contractor and will be recommended to purchasers interested in purchasing title insurance.

The main objectives of this RFP are to:

- Solicit qualified contractors that will provide exceptional title services in a timely manner at competitive pricing
- Solicit qualified contractors that are willing to work with WCLB purchasers or with a third-party partner the contractor has identified to offer title insurance services on insurable properties; and
- Ensure that the bidding process is clear, transparent, and equitable

¹ Recent data from current and potential WCLB vendors suggest that title to 60%-80% of WCLB properties is already clear such that a quiet title action offers few, if any, tangible benefits.



1.3 Rejection of Responses

WCLB expressly reserves the right to reject any and all responses, waive any non-conformity, re-advertise for responses, to withhold the award for any reason WCLB determines, or to accept the responses that, in the WCLB's opinion, are in the best interest of and to the advantage of WCLB or its partner municipalities.

1.4 Program Requirements

WCLB welcomes any insured and licensed entity with the experience and capacity to conduct title services in Wayne County, Michigan to submit a response to this RFP. All responses will be evaluated based upon the criteria set forth in Section 2.

If selected, the entity will be given until **February 1, 2021**, to complete the documentation to become a Wayne County contractor, if they are not a Wayne County contractor already. The WCLB may also schedule a conference call before the contract begins to address any questions or concerns.

Once the contract begins, the contractor will periodically receive lists of properties for which the WCLB would like to receive title services. The contractor will then be expected to perform a title search on each property, issue a preliminary title commitment, and identify which properties are insurable based on the results of the title search. For properties that are insurable, WCLB will provide the contractor's contact information to the purchaser so that the parties can work together to determine the appropriate amount of coverage should the purchaser wish to purchase a title insurance policy. If a property comes back as not insurable, WCLB will perform a quiet title action to clear title, assuming all other criteria for the program are met.

Invoices for title services must be delivered to WCLB via email to kbrooks@waynecounty.com or by mail to the WCLB office at 500 Griswold, 28th Floor, Detroit, Michigan 48226, Attn: Kelly Beals. Once WCLB staff has reviewed the invoices, WCLB will submit the invoices for payment and mail a check to the contractor for the services provided.

To submit a bid for this RFP, interested parties must submit a Qualified Response, as defined under Section 2 below, via email to kbrooks@waynecounty.com. All responses must be submitted and received no later than January 15, 2021 at 11:59 p.m. This deadline will be strictly enforced.

Once the WCLB has selected the contractors, (the "Accepted Respondents"), the following steps will occur:

- WCLB will notify the Accepted Respondents on or before January 22, 2021, to request that they complete documentation to become a County contractor. All Accepted Respondents must complete this process on or before February 1, 2021.
- WCLB may conduct a pre-contract conference call to address any questions or concerns, if necessary. The date and time will be set at a time that works both WCLB and the Accepted Respondent, but must occur prior to January 27, 2021, 5:00 p.m. EST.
- Accepted Respondents have until February 1, 2021, to sign the contract and return it to WCLB.



At the end of the process, it is the WCLB's goal and expectation that it will have at least two reliable contractors capable of providing a wide range of title services for WCLB properties at a reasonably set rate.

1.5 Submitting Responses

Any insured and licensed party may submit a response under this RFP. No response will be viewed or evaluated, however, unless it is a Qualified Response. Responses to this RFP must be submitted in ONE electronic PDF document (the "Responding Document") that contains all items, documents, data, and forms that the respondent wishes the WCLB to consider. The Responding Document may be delivered to the WCLB by the following means:

- By email to kbrooks@waynecounty.com on or before January 15, 2020 by 11:59 p.m. (EST). Please ensure that your document is small enough to deliver electronically and is received by WCLB on or before the Response Deadline Date.
- By delivering a physical copy of the Responding Document to the WCLB Office at 500 Griswold 28th Floor, Detroit, Michigan 48226, Attn: Krystle Brooks/Kelly Beals by the Response Deadline Date.

1.6 Minimum Response Requirements

Qualified Responses must contain ALL of the following:

- A copy of the entity's valid and current license to perform the described work in the State of Michigan
- A copy of the entity's valid and current professional liability (E&O) insurance policy
- A complete list of underwriters for which the entity issues title insurance policies
- A completed Qualification Form, attached hereby as Appendix A
- A completed Entity Information Form, attached hereby as Appendix B
- A completed Rate Proposal Form, attached hereby as Appendix C
- A completed Conflicts Form, attached hereby as Appendix D
- A completed Certification Form, attached hereby as Appendix E

Notwithstanding any other provision of the RFP, a response will not be considered a Qualified Response if any of the following apply:

- The respondent is not eligible under Section 1.3 of this RFP.
- The respondent did not submit its response as required under Section 1.6 of this RFP.
- The respondent is disqualified under Section 1.8 of this RFP.

1.7 Communications Regarding the RFP

In order to create a more competitive and unbiased qualification process, WCLB has designated a single point of contact throughout the qualification process. From the issue date of this RFP, until the date Accepted Respondents are selected, all requests for clarification or additional information regarding this RFP, or contact with WCLB or any governmental entity concerning



this RFP or the evaluation process, must be made solely to the contact person listed on the cover page of this RFP.

If it is discovered that a respondent contacted and received information regarding this RFP from any person other than the person specified above, WCLB may, at their sole discretion, disqualify that respondent from further consideration. Only those communications provided by WCLB in writing will be binding with respect to this RFP.

1.8 Disqualification of Respondents

Any one or more of the following causes may be considered sufficient for the disqualification of a respondent and rejection of the response:

- Evidence of criminal activity tied to past title work
- Evidence of a conflict-of-interest that violates, or may violate, Section 1.14 below, any statute or bylaw of the WCLB or any WCLB policy.
- Evidence that a gratuity was provided, or offered, to a WCLB employee in violation of Section 1.15 below.
- Lack of professional responsibility as demonstrated by past work.

1.9 Rights and Responsibilities

WCLB has the right to clarify, modify, or amend this RFP by one or more written addenda. It is responsible only for that which is expressly stated in the RFP document and any authorized written addenda thereto. WCLB reserves the right to withdraw this RFP, to select only one Accepted Respondent or none, or to select any combination of Accepted Respondents.

Should any addenda require additional information not previously requested, failure to address the requirements of such addenda may result in the response not being considered, as determined in the sole discretion of WCLB. Aside from written representations made by the contact person listed on the cover page of this RFP, WCLB is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on their behalf.

1.10 Freedom of Information Act (FOIA)

All information submitted to the WCLB by respondents is subject to the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231, et seq.

1.11 Disclosure of Contents

All information provided in a response to this RFP shall be held in confidence and shall not be revealed or discussed except in connection with the evaluation of this RFP or as provided by law, including FOIA, as set forth under Section 1.10, or by court decision. All material submitted with the response becomes the property of WCLB and may be returned only at WCLB's option.

Respondents must make no other distribution of their responses other than authorized by this RFP. A respondent who shares information contained in its response with competing respondent personnel shall be subject to disqualification.



1.12 Term

The term of any contracts awarded as a result of this RFP may extend beyond the expiration of this RFP.

1.13 Final Determination

The RFP respondent(s) that are selected will be notified within a reasonably prompt manner. Acceptance of a respondent's RFP does not constitute a binding contract. Only upon a fully executed vendor contract or other related documents or agreements will a binding contract exist.

Final determinations will be made pursuant to Section 2 of this RFP.

1.14 Conflict of Interest

The following persons may not participate in this RFP, be employed by any entity participating in the RFP, or be a shareholder (in excess of 10%) of any entity participating in the RFP:

- A board member, officer, appointee, or employee of the WCLB, County of Wayne, or State of Michigan.
- A relative of a board member, officer, appointee, or employee of the WCLB. For purposes of this Section 1.14, a relative is defined as a parent, child, sibling, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, parent-in-law, child-in-law, or first cousin.

1.15 Gratuities

A respondent shall not offer or give either directly, indirectly, or through an intermediary, consideration, in any form, to a WCLB officer, employee, or agent, or to an appointee of the County of Wayne or State of Michigan, for the purpose of securing favorable treatment with respect to this RFP.



SECTION 2

EVALUATION PROCESS AND CRITERIA

Responses to RFP that both (i) satisfy Section 1.6 and (ii) are not disqualified under Section 1.8 (“Qualifying Responses”) will be assessed and scored by WCLB pursuant to the below criteria. All non-Qualifying Responses will be disregarded, and will be neither reviewed nor scored, notwithstanding the quality thereof. WCLB reserves the right to conduct an independent investigation of any information provided in a given response by contacting references, assessing public information, contacting independent parties, or through any other legal means. A response may be rejected if it is determined to contain false, misleading, incomplete, or deceptively unresponsive statements. WCLB further reserves the right to request additional information from a respondent during the evaluation process.

Each Qualifying Response will be scored based upon the criteria set forth below.

2.1 Experience (50 Points)

As discussed above, the goal of the RFP is to create a pool of reliable contractors that can perform a wide range of title services for Wayne County properties. Thus, WCLB seeks respondents that possess technical expertise, a proven track record, and demonstrated familiarity with the duties they will be asked to perform. In particular, the WCLB will weigh the following attributes when awarding points under this criterion:

- Experience with similar programs and/or land bank organizations
- Experience with performing title searches and issuing title insurance policies on distressed or tax-foreclosed properties
- Any other technical expertise or special skills

2.2 Proposed Rates (25 points)

WCLB will evaluate and compare rates provided by qualified applicants who have demonstrated the qualifications and capacity to complete the work. WCLB will ask for your rates for performing title searches, issuing preliminary title commitments, reviewing FOIA documents, and providing interest holder addresses

2.3 Technical Requirements (25 points)

WCLB requires all contractors to be current on insurance and license requirements and will request proof of each as part of this response. In addition, any qualifications, education or training that demonstrates special skills will be considered. In particular, WCLB will weigh the following attributes when awarding points under this criterion:

- Is the contractor suitably licensed and bonded?
- Is the contractor appropriately insured?
- Can WCLB feel confident that the contractor will perform title services that match or even exceed standards customary within the industry?
- Does this contractor offer any special opportunities or benefits to our qualified purchasers?



APPENDIX A
QUALIFICATION FORM



QUALIFICATION FORM

Please provide complete written answers to the following questions. If you require additional space, or wish to include another document, please clearly indicate below where any attachment will be found in your Responding Document.

1. Entity Name: _____

2. Please describe your entity and the work that you perform in 200 words or less.

3. Please provide two professional references with a brief description of their association with you.

4. Please describe any safety or specialized certification, training, skills or services that you or members of your staff have attained.

5. Please provide a copy of the entity's license and insurance information. Below is a checklist.

License attached: ____ Yes ____ No

Insurance attached: ____ Yes ____ No

Bond attached: ____ Yes ____ No



APPENDIX B
ENTITY INFORMATION FORM



ENTITY INFORMATION FORM

Respondents must provide complete answers to ALL items and questions on this form.

BACKGROUND INFORMATION

Applicant/Entity Name	
Mailing Address	
Contact Person <i>(please indicate only <u>one</u> person who will serve as the primary contact)</i>	
Phone Number <i>(of contact person)</i>	
E-Mail Address* <i>(of contact person)</i>	

* The email address provided on this form will serve as the primary mode of communication throughout the RFP process.



ADDITIONAL BACKGROUND INFORMATION

Please provide complete written answers to the following:

1. Your entity's official registered name.

2. Your entity's identification number (from the Department of Licensing and Regulatory Affairs).

3. Your entity's date and state of incorporation, if applicable.

4. Your Taxpayer Identification Number (TIN) or Employer Identification Number (EIN).

5. Your entity's members, managers, and principal shareholders (i.e., those holding 5% or more of the outstanding shares).

6. A list of all partners, members, employees, owners, etc. of your entity who will be involved with any work performed under this RFP.

7. Your office address, if different from the mailing address listed above.

8. Has your entity been debarred by the Federal or any State Governments? If yes, has it been lifted and if so, when?

9. Has your entity had contracts terminated for breach or failure to perform within the past five years? If yes, by whom and why?



EXPERIENCE

Please provide complete written answers to the following questions. If you require additional space, or wish to include a map or other document, please clearly indicate below where any attachment will be found in your Responding Document.

1. What is your entity's background and experience? Particularly, what is your entity's experience with: (1) performing title searches and issuing title commitments and insurance policies (2) working with local communities/government entities?

2. If different from #1, what is/are the professional background(s) of your entity's members, employees, owners, etc.?



APPENDIX C
RATE PROPOSAL FORM



RATE PROPOSAL FORM

Please provide quotes for the following services as described below:

- 1) Initial title search and preliminary title commitment:

- 2) Reviewing FOIA packets, Wayne County Treasurer files, and other documents provided by WCLB to assist in determining the status of title:

- 3) Providing addresses of individuals/entities with an interest in the subject property:

- 4) Please indicate if you would credit the amount paid for Item 1 (title search and commitment) towards the premium amount if the purchaser chooses to purchase a title insurance policy:

_____Yes _____No



APPENDIX D
CONFLICTS FORM



CONFLICTS FORM

Please answer the following completely and truthfully. All conflicts indicated on this form will be reviewed by WCLB, however no respondent will be automatically disqualified unless their conflict/s is/are prohibited under Section 1.14 of this RFP. During the evaluation process, WCLB may request clarification or additional information regarding your responses to this form. Please be prepared to promptly address any such request.

1. Have you or any shareholder, manager, employee, member, partner, director, or board member of your entity ever been employed by the Wayne County Land Bank or the County of Wayne?

YES NO

If yes, please explain:

2. Have any current employees or officials of the Wayne County Land Bank, or the County of Wayne ever been employed by you or your entity, or been a business affiliate thereof?

YES NO

If yes, please explain:

3. Do you or any shareholder, manager, employee, member, partner, director, or board member of your entity have a relative, as defined under Section 1.14 of this RFP, who is a current employee or official of the Wayne County Land Bank or the County of Wayne?

YES NO

If yes, please explain:



APPENDIX E
CERTIFICATION FORM



CERTIFICATION FORM

The undersigned hereby certifies, under penalty of perjury, to the following:

1. I have read this RFP in its entirety, along with all instructions on all forms being submitted as part of this response, and I understand the content thereof.
2. All of the information contained in this response is complete, accurate, and current to the best of my knowledge.
3. This response is submitted without collusion with any other person or entity making any other response.
4. If signing on behalf of a business or other entity, I have the legal authorization to bind the entity listed hereunder.
5. The respondent is not delinquent on property taxes payable to any governmental taxing unit. I understand that WCLB may verify the respondent's tax status.
6. I understand that, if selected as an Accepted Respondent, I am not necessarily entitled to being selected for work. Rather, I understand that my selection as an Accepted Respondent merely makes me a recommended contractor that purchasers can select.

No response shall be accepted which has not been manually signed in ink in the appropriate space below.

Sign Name: _____

Date: _____

Print Name: _____

Title (if applicable): _____

Entity Name (if applicable): _____