

HOUSE BILL No. 4459

March 6, 1997, Introduced by Reps. McManus, Goschka, McBryde, Perricone, Green, Cropsey, Voorhees, Rocca, Jaye, Law, Horton, Gernaat, Dalman, Whyman, Rhead, Llewellyn and Walberg and referred to the Committee on Constitutional and Civil Rights.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 261. (1) The department shall provide for the purchase
2 of, the contracting for, and the providing of supplies, materi-
3 als, services, insurance, utilities, third party financing,
4 equipment, printing, and all other items as needed by state agen-
5 cies for which the legislature has not otherwise expressly
6 provided. In all purchases made by the department, all other
7 things being equal, preference shall be given to products manu-
8 factured or services offered by Michigan-based firms, if consis-
9 tent with federal statutes. The department shall solicit
10 competitive bids from the private sector whenever practicable to
11 efficiently and effectively meet the state's needs. The

1 department shall first determine that competitive solicitation of
2 bids in the private sector is not appropriate before it shall use
3 any other procurement method for an acquisition.

4 (2) The department shall make all discretionary decisions
5 concerning the solicitation, award, amendment, cancellation, and
6 appeal of state contracts.

7 (3) The department shall utilize competitive bidding for all
8 purchases authorized pursuant to subsection (1) unless the
9 department has determined that another procurement method is in
10 the state's best interests.

11 (4) The department may delegate its procurement authority to
12 other state agencies within dollar limitations and for designated
13 types of procurements. The department may withdraw delegated
14 authority upon a finding that a state agency did not comply with
15 departmental procurement directives.

16 (5) The department may enter into lease purchases or
17 installment purchases for periods not exceeding the anticipated
18 useful life of the items purchased unless otherwise prohibited by
19 law.

20 (6) The department shall issue directives for the procure-
21 ment, receipt, inspection, and storage of supplies, materials,
22 and equipment, and for printing and services needed by state
23 agencies. The department shall provide standard specifications
24 and standards of performance applicable to purchases.

25 (7) The department may enter into a cooperative purchasing
26 agreement with 1 or more other states or public entities for the

1 purchase of goods, including, but not limited to, recycled goods,
2 and services necessary for state programs.

3 (8) THE DEPARTMENT SHALL NOT DO ANY OF THE FOLLOWING:

4 (A) REQUIRE A PERSON WHO BIDS ON OR IS AWARDED A STATE CON-
5 TRACT TO HAVE AN AFFIRMATIVE ACTION PLAN IN PLACE.

6 (B) CONSIDER THE FACT THAT AN AFFIRMATIVE ACTION PLAN EXISTS
7 OR DOES NOT EXIST AS A FACTOR IN AWARDING A STATE CONTRACT.