

A SUMMARY OF HOUSE BILL 5883 AS INTRODUCED 4-11-02

The bill would amend the Management and Budget Act to add provisions creating a process for the Department of Management and Budget's selection of architects, professional engineers, professional surveyors, and firms of architects, engineers, and surveyors for state agency capital outlay projects or facilities. The selection of such professionals and firms would have to be based on the appropriate qualifications for the type of professional services required by the DMB.

The bill would impose the following requirements.

- The DMB would have to prepare a written description of the proposed services to be used as the basis of negotiation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. Notification of the written description for services would be provided to professionals and firms under procedures established by the department. The department could not establish a maximum overhead rate or other payment formula designed to eliminate architects, professional engineers, professional surveyors, or qualified firms from contention or to restrict competition.
- Upon receiving proposals based on those written descriptions, the department would have to select at least three architects, professional engineers, professional surveyors, or qualified firms determined to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific request.
- The department would have to notify in writing the professional or firm determined most qualified to negotiate a contract for services for the project at fair and reasonable compensation and establish procedures for notifying those determined not to be qualified for the project.
- If the department was unable to negotiate a satisfactory contract with the professional or firm determined most qualified, negotiations would be terminated, and the department would have to negotiate with the firm determined to be the next most qualified. If those negotiations were terminated (for failure to reach a satisfactory contract), the department would negotiate with the third professional or firm. If the department was unable to negotiate a satisfactory contract with any of the three selected as most qualified, it would have to give written notice to those affected, reevaluate the services requested, and then proceed to determine the next most qualified professional or firm following the same procedures for notification and negotiation as provided earlier.

- If fewer than three architects, professional engineers, professional surveyors, or qualified firms submitted a response to a DMB proposal, the department could negotiate a contract with all those who responded.

MCL 18.1237 and 18.1237b

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.