

SENATE BILL No. 564

June 10, 2003, Introduced by Senators BERNERO, JACOBS, CLARK-COLEMAN, TOY, HAMMERSTROM, BRATER, CLARKE, LELAND, SCOTT, THOMAS and SCHAUER and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1988 PA 112, entitled
"The business opportunity act for persons with disabilities,"
by amending the title and section 3 (MCL 450.793), as amended by
1998 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide ~~competitive opportunity in~~ **for** state
procurements of goods, services, and construction for businesses
owned by persons with disabilities; to provide powers and duties
of the governor; to prescribe powers and duties of certain state
departments and agencies; and to provide penalties.

Sec. 3. (1) ~~It shall be the goal of each department to~~
Each department shall award each year not less than 3% of its
total expenditures for construction, goods, and services, less
expenditures to sole source vendors, to businesses owned by

1 persons with disabilities.

2 (2) ~~At 5-year intervals from the effective date of this act~~
 3 **By March 30 of 2004 and every fifth year thereafter**, the
 4 department of management and budget shall review the ~~progress of~~
 5 ~~the departments in meeting the 3% goal~~ **percentage requirement in**
 6 **subsection (1)** with input from the business community, including
 7 businesses owned by persons with disabilities, and shall make
 8 recommendations to the legislature regarding continuation,
 9 increases, or decreases in the percentage ~~goal~~ **requirement**.
 10 The recommendations shall be based upon the number of businesses
 11 ~~which~~ **that** are owned by persons with disabilities and on the
 12 continued need to encourage and promote businesses owned by
 13 persons with disabilities.

14 ~~(3) It shall be the goal of each department or agency that~~
 15 ~~does not meet the goal provided in subsection (1) to award each~~
 16 ~~year to businesses owned by persons with disabilities not less~~
 17 ~~than 150% of the actual expenditures it awarded to businesses~~
 18 ~~owned by persons with disabilities in the preceding year until~~
 19 ~~not less than 3% of total expenditures is achieved as provided in~~
 20 ~~subsection (1).~~

21 (3) ~~(4)~~ To assist in reaching the ~~goals set in subsections~~
 22 ~~(1) and (3)~~ **percentage requirement in subsection (1)**, the
 23 governor shall recommend to the legislature changes in programs
 24 to assist businesses owned by persons with disabilities.

25 (4) ~~(5)~~ To assist in meeting the ~~goals set forth in~~
 26 ~~subsections (1) and (3)~~ **percentage requirement in**
 27 **subsection (1)**, each department shall include provisions for the

1 consideration of subcontracts and joint ventures. The provisions
2 shall require a bidder to indicate the extent of participation of
3 a business owned by persons with disabilities.

4 **(5)** ~~—(6)—~~ Only the portion of a prime contract that reflects
5 participation of a business owned by persons with disabilities
6 shall be considered in meeting the requirements of ~~—subsections~~
7 ~~(1) and (3)—~~ **subsection (1)**.

8 **(6)** ~~—(7)—~~ Except as otherwise provided by statute, if the
9 bidders for any contract for construction, goods, or services do
10 not include a qualified business owned by persons with
11 disabilities, the contract shall be awarded to the lowest bidder
12 qualified to perform the contract.