

SENATE BILL No. 302

March 10, 2005, Introduced by Senators BERNERO and TOY 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 section 3 (MCL 450.793), as amended by 1998 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) ~~At 5-year intervals from the effective date of this act~~
6 **NOT LESS THAN TWICE EACH YEAR**, the department of management and
7 budget shall review the progress of the departments in meeting the
8 3% goal with input from the business community, including
9 businesses owned by persons with disabilities, and shall make

1 recommendations to **EACH HOUSE OF** the legislature regarding
2 continuation, increases or decreases in the percentage goal. The
3 recommendations shall be based upon the number of businesses ~~which~~
4 **THAT** are owned by persons with disabilities and on the continued
5 need to encourage and promote businesses owned by persons with
6 disabilities. **THE DEPARTMENT OF MANAGEMENT AND BUDGET MAY COMBINE**
7 **THE RECOMMENDATIONS DESCRIBED IN THIS SUBSECTION WITH THE REPORT**
8 **REQUIRED UNDER SUBSECTION (8).**

9 (3) It shall be the goal of each department or agency that
10 does not meet the goal provided in subsection (1) to award each
11 year to businesses owned by persons with disabilities not less than
12 150% of the actual expenditures it awarded to businesses owned by
13 persons with disabilities in the preceding year until not less than
14 3% of total expenditures is achieved as provided in subsection (1).

15 (4) To assist in reaching the goals set in subsections (1) and
16 (3), the governor shall recommend to the legislature changes in
17 programs to assist businesses owned by persons with disabilities.

18 (5) To assist in meeting the goals set forth in subsections
19 (1) and (3), each department shall include provisions for the
20 consideration of subcontracts and joint ventures. The provisions
21 shall require a bidder to indicate the extent of participation of a
22 business owned by persons with disabilities.

23 (6) Only the portion of a prime contract that reflects
24 participation of a business owned by persons with disabilities
25 shall be considered in meeting the requirements of subsections (1)
26 and (3).

27 (7) Except as otherwise provided by statute, if the bidders

1 for any contract for construction, goods, or services do not
2 include a qualified business owned by persons with disabilities,
3 the contract shall be awarded to the lowest bidder qualified to
4 perform the contract.

5 (8) IN ADDITION TO THE RECOMMENDATIONS DESCRIBED IN SUBSECTION
6 (2), NOT LESS THAN TWICE EACH YEAR, EACH DEPARTMENT SHALL REPORT TO
7 EACH HOUSE OF THE LEGISLATURE ON ALL OF THE FOLLOWING FOR THE
8 IMMEDIATELY PRECEDING 6-MONTH PERIOD:

9 (A) THE NUMBER OF BUSINESSES OWNED BY PERSONS WITH
10 DISABILITIES WHO SUBMITTED A BID FOR A STATE PROCUREMENT CONTRACT.

11 (B) THE NUMBER OF BUSINESSES OWNED BY PERSONS WITH
12 DISABILITIES WHO ENTERED INTO PROCUREMENT CONTRACTS WITH THIS STATE
13 AND THE TOTAL VALUE OF THOSE PROCUREMENT CONTRACTS.

14 (C) WHETHER THE DEPARTMENT ACHIEVED THE GOAL DESCRIBED IN THIS
15 SUBSECTION.