

Act No. 90
Public Acts of 2005
Approved by the Governor
July 20, 2005
Filed with the Secretary of State
July 20, 2005
EFFECTIVE DATE: July 20, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senators Bernero and Toy

ENROLLED SENATE BILL No. 302

AN ACT to amend 1988 PA 112, entitled "An act to provide competitive opportunity in 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," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

The People of the State of Michigan enact:

Sec. 3. (1) It shall be the goal of each department to 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 persons with disabilities.

(2) Each year, the department of management and budget shall review the progress of the departments in meeting the 3% goal with input from the business community, including businesses owned by persons with disabilities, and shall make recommendations to each house of the legislature regarding continuation, increases or decreases in the percentage goal. The recommendations shall be based upon the number of businesses that are owned by persons with disabilities and on the continued need to encourage and promote businesses owned by persons with disabilities. The department of management and budget may combine the recommendations described in this subsection with the report required under subsection (8).

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

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

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

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

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

(8) In addition to the recommendations described in subsection (2), each year each department shall report to each house of the legislature on all of the following for the immediately preceding 12-month period:

(a) The number of businesses owned by persons with disabilities who submitted a bid for a state procurement contract.

(b) The number of businesses owned by persons with disabilities who entered into procurement contracts with this state and the total value of those procurement contracts.

(c) Whether the department achieved the goal described in this subsection.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 303 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved _____

Governor