

SENATE BILL No. 152

January 29, 2009, Introduced by Senators ANDERSON, GLEASON, OLSHOVE, SWITALSKI, JACOBS and HUNTER and referred to the Committee on Commerce and Tourism.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 264a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 264A. (1) THE DEPARTMENT OR A STATE AGENCY SHALL NOT
2 AWARD A PROCUREMENT CONTRACT TO A VENDOR UNLESS THE VENDOR HAS
3 SUBMITTED A VERIFIED STATEMENT AFFIRMING ALL OF THE FOLLOWING:

4 (A) WITHIN THE PAST 5 YEARS THE VENDOR OR AN OFFICER OF THE
5 VENDOR HAS NOT BEEN CONVICTED OF, OR BEEN HELD RESPONSIBLE IN AN
6 ADMINISTRATIVE HEARING OR OTHER CIVIL PROCEEDING FOR, VIOLATING A
7 STATE OR FEDERAL LAW RESPECTING THE EMPLOYMENT OF PERSONS NOT
8 AUTHORIZED TO WORK IN THE UNITED STATES.

9 (B) IN PERFORMING THE CONTRACT, THE VENDOR WILL NOT DIRECTLY
10 OR INDIRECTLY EMPLOY A PERSON WHO IS UNAUTHORIZED TO WORK IN THE

1 UNITED STATES.

2 (C) THE VENDOR WILL TAKE REASONABLE STEPS TO ASCERTAIN THAT
3 EACH PERSON EMPLOYED TO PERFORM SERVICES DIRECTLY OR INDIRECTLY
4 UNDER THE STATE CONTRACT IS AUTHORIZED TO WORK IN THE UNITED
5 STATES.

6 (D) IF THE VENDOR LEARNS THAT A PERSON WHO IS NOT AUTHORIZED
7 TO WORK IN THE UNITED STATES IS PERFORMING SERVICES DIRECTLY OR
8 INDIRECTLY ON THE STATE CONTRACT, THE VENDOR WILL IMMEDIATELY
9 REPLACE, OR REQUIRE THE SUBCONTRACTOR TO REPLACE, THAT PERSON WITH
10 AN AUTHORIZED WORKER.

11 (2) AFTER NOTICE AND A HEARING, IF THE DEPARTMENT DETERMINES
12 THAT A CONTRACTOR OR SUBCONTRACTOR KNOWINGLY SUBMITTED FALSE
13 INFORMATION OR KNOWINGLY VIOLATED THE AFFIRMATIONS REQUIRED UNDER
14 SUBSECTION (1), THE STATE MAY DO 1 OR MORE OF THE FOLLOWING:

15 (A) CANCEL THE CONTRACT.

16 (B) REQUIRE FORFEITURE TO THE STATE OF UP TO 20% OF THE
17 PAYMENT DUE UNDER THE CONTRACT.

18 (C) DEBAR THE VENDOR OR SUBCONTRACTOR FROM BIDDING ON, OR THE
19 AWARD OF, STATE CONTRACTS FOR A PERIOD OF NOT MORE THAN 5 YEARS.