

# SENATE BILL No. 288

March 3, 2009, Introduced by Senators BARCIA, PRUSI, SWITALSKI, OLSHOVE, BRATER, JACOBS, WHITMER, GLEASON, CHERRY, HUNTER, ANDERSON, SCOTT, CLARKE and CLARK-COLEMAN and referred to the Committee on Commerce and Tourism.

A bill to amend 1984 PA 431, entitled  
"The management and budget act,"  
by amending section 264 (MCL 18.1264), as added by 1988 PA 504, and  
by adding section 264a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 264. The department may debar a vendor from participation  
2 in the bid process and from contract award upon notice and a  
3 finding that the vendor is not able to perform responsibly; ~~or~~  
4 that the vendor, or an officer or an owner of a 25% or greater  
5 share of the vendor, has demonstrated a lack of integrity that  
6 could jeopardize the state's interest if the state were to contract  
7 with the vendor; **THAT THE DEPARTMENT HAS RECEIVED NOTICE THAT A**

1 FEDERAL AGENCY HAS FOUND THE VENDOR TO HAVE VIOLATED 8 USC 1324A(A)  
2 IN AN ACTION UNDER 8 USC 1324A(E) AS TO EMPLOYEES PERFORMING WORK  
3 UNDER THE CONTRACT; OR THAT THE VENDOR HAS VIOLATED THE PROVISIONS  
4 OF 1965 PA 166, MCL 408.551 TO 408.558, IF APPLICABLE, IN THE  
5 PERFORMANCE OF A STATE CONTRACT.

6 SEC. 264A. THE DEPARTMENT SHALL INCLUDE A CLAUSE REQUIRING THE  
7 CONTRACTOR TO ALLOW ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN  
8 THE UNITED STATES TO PERFORM SERVICES UNDER THE CONTRACT AND A  
9 CLAUSE STATING THAT THE CONTRACTOR SHALL NOT VIOLATE THE PROVISIONS  
10 OF 1965 PA 166, MCL 408.551 TO 408.558, IF APPLICABLE, IN EACH  
11 CONTRACT IT ENTERS INTO THAT INCLUDES SERVICES.