

HOUSE BILL No. 4761

May 22, 2013, Introduced by Reps. Barnett, Knezek, Rutledge, Santana, Dillon, Darany, Cavanagh, MacMaster, Haines and Franz and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 261 (MCL 18.1261), as amended by 2012 PA 555.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 261. (1) The department shall provide for the purchase
2 of, the contracting for, and the providing of supplies, materials,
3 services, insurance, utilities, third party financing, equipment,
4 printing, and all other items as needed by state agencies for which
5 the legislature has not otherwise expressly provided. If consistent
6 with federal statutes, in all purchases made by the department, all
7 other things being equal, preference shall be given to products
8 manufactured or services offered by Michigan-based firms or by
9 facilities with respect to which the operator is designated as a

1 clean corporate citizen under part 14 of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.1401 to
3 ~~324.1427.~~ **324.1429.** The department shall solicit competitive bids
4 from the private sector whenever practicable to efficiently and
5 effectively meet the state's needs. The department shall first
6 determine that competitive solicitation of bids in the private
7 sector is not appropriate before using any other procurement method
8 for an acquisition.

9 (2) The department shall make all discretionary decisions
10 concerning the solicitation, award, amendment, cancellation, and
11 appeal of state contracts.

12 (3) The department shall utilize competitive solicitation for
13 all purchases authorized under this act unless 1 or more of the
14 following apply:

15 (a) Procurement of goods or services is necessary for the
16 imminent protection of public health or safety or to mitigate an
17 imminent threat to public health or safety, as determined by the
18 director or his or her designated representative.

19 (b) Procurement of goods or services is for emergency repair
20 or construction caused by unforeseen circumstances when the repair
21 or construction is necessary to protect life or property.

22 (c) Procurement of goods or services is in response to a
23 declared state of emergency or state of disaster under the
24 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

25 (d) Procurement of goods or services is in response to a
26 declared state of emergency under 1945 PA 302, MCL 10.31 to 10.33.

27 (e) Procurement of goods or services is in response to a

1 declared state of energy emergency under 1982 PA 191, MCL 10.81 to
2 10.89.

3 (f) Procurement of goods or services is within a state
4 agency's purchasing authority delegated under subsection (4), and
5 the state agency has established policies or procedures approved by
6 the department to ensure that goods or services are purchased by
7 the state agency at fair and reasonable prices.

8 (4) The department may delegate its procurement authority to
9 other state agencies within dollar limitations and for designated
10 types of procurements. The department may withdraw delegated
11 authority upon a finding that a state agency did not comply with
12 departmental procurement directives.

13 (5) The department may enter into lease purchases or
14 installment purchases for periods not exceeding the anticipated
15 useful life of the items purchased unless otherwise prohibited by
16 law.

17 (6) The department shall issue directives for the procurement,
18 receipt, inspection, and storage of supplies, materials, and
19 equipment, and for printing and services needed by state agencies.
20 The department shall provide standard specifications and standards
21 of performance applicable to purchases.

22 (7) The department may enter into a cooperative purchasing
23 agreement with 1 or more other states or public entities for the
24 purchase of goods, including, but not limited to, recycled goods,
25 and services necessary for state programs.

26 (8) In awarding a contract under this section, the department
27 shall give a preference of up to 10% of the amount of the contract

1 to a qualified disabled veteran. If the qualified disabled veteran
 2 otherwise meets the requirements of the contract solicitation and
 3 with the preference is the lowest bidder, the department shall
 4 enter into a procurement contract with the qualified disabled
 5 veteran under this act. If 2 or more qualified disabled veterans
 6 are the lowest bidders on a contract, all other things being equal,
 7 the qualified disabled veteran with the lowest bid shall be awarded
 8 the contract under this act.

9 ~~(9) It is the goal of~~ **EACH YEAR**, the department ~~to~~ **SHALL** award
 10 ~~each year~~ not less than 5% of its total expenditures for
 11 construction, goods, and services to qualified disabled veterans.
 12 The department may count toward its 5% yearly goal described in
 13 this subsection that portion of all procurement contracts in which
 14 the business entity that received the procurement contract
 15 subcontracts with a qualified disabled veteran. Each year, the
 16 department shall report to each house of the legislature on all of
 17 the following for the immediately preceding 12-month period:

18 (a) The number of qualified disabled veterans who submitted a
 19 bid for a state procurement contract.

20 (b) The number of qualified disabled veterans who entered into
 21 procurement contracts with this state and the total value of those
 22 procurement contracts.

23 ~~—— (c) Whether the department achieved the goal described in this~~
 24 ~~subsection.~~

25 ~~—— (d) The recommendations described in subsection (10).~~

26 ~~—— (10) Each year, the department shall review the progress of~~
 27 ~~all state agencies in meeting the 5% goal with input from statewide~~

~~veterans service organizations and from the business community,
including businesses owned by qualified disabled veterans, 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 qualified disabled veterans and on the
continued need to encourage and promote businesses owned by
qualified disabled veterans.~~

~~—— (11) To assist the department in reaching the goal described
in subsection (9), the governor shall recommend to the legislature
changes in programs to assist businesses owned by qualified
disabled veterans.~~

(10) ~~(12)~~ As used in this section:

(a) "Qualified disabled veteran" means a business entity that
is 51% or more owned by 1 or more veterans with a service-connected
disability.

(b) "Service-connected disability" means a disability incurred
or aggravated in the line of duty in the active military, naval, or
air service as described in 38 USC 101(16).

(c) "Veteran" means a person who served in the army, air
force, navy, marine corps, or coast guard and who was discharged or
released from his or her service with an honorable or general
discharge.