



HOUSE BILL No. 5314

February 8, 2000, Introduced by Reps. Mortimer, Garcia, Gosselin, Julian and Jansen and referred to the Committee on House Oversight and Operations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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, materi-
3 als, services, insurance, utilities, third party financing,
4 equipment, printing, and all other items as needed by state agen-
5 cies for which the legislature has not otherwise expressly
6 provided. In all purchases made by the department, all other
7 things being equal, preference shall be given to products manu-
8 factured or services offered by Michigan-based firms, if consis-
9 tent with federal statutes. The department shall solicit
10 competitive bids from the private sector whenever practicable to
11 efficiently and effectively meet the state's needs. The

1 department shall first determine that competitive solicitation of
2 bids in the private sector is not appropriate before it shall use
3 any other procurement method for an acquisition.

4 (2) The department shall make all discretionary decisions
5 concerning the solicitation, award, amendment, cancellation, and
6 appeal of state contracts.

7 (3) The department shall utilize competitive bidding for all
8 purchases authorized pursuant to subsection (1) unless the
9 department has determined that another procurement method is in
10 the state's best interests.

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

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

20 (6) The department shall issue directives for the procure-
21 ment, receipt, inspection, and storage of supplies, materials,
22 and equipment, and for printing and services needed by state
23 agencies. The department shall provide standard specifications
24 and standards of performance applicable to purchases.

25 (7) The department may enter into a cooperative purchasing
26 agreement with 1 or more other states or public entities for the

1 purchase of goods, including, but not limited to, recycled goods,
2 and services necessary for state programs.

3 (8) THE DEPARTMENT, ALL STATE AGENCIES, AND THE JUDICIAL
4 BRANCH SHALL NOT CONTRACT WITH A PERSON CONVICTED OF KILLING A
5 PEACE OFFICER OR CONTRACT WITH A BUSINESS ENTITY THAT HAS A
6 PERSON CONVICTED OF KILLING A PEACE OFFICER AS AN EMPLOYEE FOR
7 THE PROCUREMENT OF ANY GOODS OR SERVICES PROVIDED IN THIS ACT.

8 (9) AS USED IN THIS SECTION:

9 (A) "KILLING A PEACE OFFICER" MEANS COMMITTING MURDER IN
10 VIOLATION OF SECTION 316 OR 317 OF THE MICHIGAN PENAL CODE, 1931
11 PA 328, MCL 750.316 AND 750.317, IN WHICH THE VICTIM WAS A PEACE
12 OFFICER.

13 (B) "PEACE OFFICER" MEANS 1 OR MORE OF THE FOLLOWING:

14 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-
15 SION OF THIS STATE.

16 (ii) A POLICE OFFICER OF ANY ENTITY OF THE UNITED STATES.

17 (iii) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S
18 DEPUTY.

19 (iv) A PUBLIC SAFETY OFFICER OF A COMMUNITY COLLEGE, COL-
20 LEGE, OR UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF
21 THAT COLLEGE OR UNIVERSITY TO ENFORCE STATE LAW AND THE RULES AND
22 ORDINANCES OF THAT COLLEGE OR UNIVERSITY.

23 (v) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
24 RESOURCES.

25 (vi) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT
26 OF THE INTERIOR.

1 (vii) A PRISON OR JAIL GUARD OR OTHER EMPLOYEE OF A JAIL OR
2 A STATE OR FEDERAL CORRECTIONAL FACILITY, WHO PERFORMS DUTIES
3 INVOLVING THE TRANSPORTATION, CARE, CUSTODY, OR SUPERVISION OF
4 PRISONERS.