

HOUSE BILL No. 4336

February 17, 2005, Introduced by Reps. Newell and Meyer and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1267 (MCL 380.1267), as amended by 2004 PA 232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1267. (1) Before commencing construction of a new school
2 building, or addition to or repair or renovation of an existing
3 school building, except repair in emergency situations, the board
4 of a school district or intermediate school district or board of
5 directors of a public school academy ⁷ shall obtain competitive
6 bids on all the material and labor required for the complete
7 construction of a proposed new building or addition to or repair or
8 renovation of an existing school building.

1 (2) The board, intermediate school board, or board of
2 directors shall advertise for the bids required under subsection
3 (1) by placing an advertisement for bids at least once in a
4 newspaper of general circulation in the area where the building or
5 addition is to be constructed or where the repair or renovation of
6 an existing building is to take place and by posting an
7 advertisement for bids for at least 2 weeks on the department of
8 management and budget website on a page on the website maintained
9 for this purpose or on a website maintained by a school
10 organization and designated by the department of management and
11 budget for this purpose. If the department of management and budget
12 designates a school organization website for this purpose, the
13 department of management and budget shall indicate this fact on its
14 website and include a link on its website to the school
15 organization website.

16 (3) The advertisement for bids shall do all of the following:

17 (a) Specify the date and time by which all bids must be
18 received by the board, intermediate school board, or board of
19 directors.

20 (b) State that the board, intermediate school board, or board
21 of directors will not consider or accept a bid ~~received by the~~
22 ~~board, intermediate school board, or board of directors~~ **IT**
23 **RECEIVES** after the date and time specified for bid submission.

24 (c) Identify the time, date, and place of a public meeting at
25 which the board, intermediate school board, or board of directors
26 or its designee will open and read aloud each bid ~~received by the~~
27 ~~board, intermediate school board, or board of directors~~ **IT HAS**

1 **RECEIVED** by the date and time specified in subdivision (a).

2 (d) State that the bid ~~shall~~ **MUST** be accompanied by a sworn
3 and notarized statement disclosing any familial relationship that
4 exists between the owner or any employee of the bidder and any
5 member of the board, intermediate school board, or board of
6 directors or the superintendent of the school district,
7 intermediate superintendent of the intermediate school district, or
8 chief executive officer of the public school academy. A board,
9 intermediate school board, or board of directors shall not accept a
10 bid that does not include this sworn and notarized disclosure
11 statement.

12 (4) The board, intermediate school board, or board of
13 directors shall require each bidder for a contract under this
14 section to file with the board, intermediate school board, or board
15 of directors security in an amount not less than 1/20 of the amount
16 of the bid conditioned to secure the school district from loss or
17 damage by reason of the withdrawal of the bid or by the failure of
18 the bidder to enter a contract for performance, if the bid is
19 accepted by the board, intermediate school board, or board of
20 directors.

21 (5) The board, intermediate school board, or board of
22 directors shall not open, consider, or accept a bid that ~~the board,~~
23 ~~intermediate school board, or board of directors~~ **IT** receives after
24 the date and time specified for bid submission in the advertisement
25 for bids described in subsection (3).

26 (6) At a public meeting identified in the advertisement for
27 bids described in subsection (3), the board, intermediate school

1 board, or board of directors or its designee shall open and read
2 aloud each bid that ~~the board, intermediate school board, or board~~
3 ~~of directors~~ **IT HAS** received at or before the time and date for
4 bid submission specified in the advertisement for bids. The board,
5 intermediate school board, or board of directors may reject any or
6 all bids, and if all bids are rejected, shall readvertise in the
7 manner required by this section.

8 (7) This section does not apply to ~~buildings~~ **ANY OF THE**
9 **FOLLOWING:**

10 (A) **CONSTRUCTION**, renovations, or repairs costing less than
11 \$17,932.00. ~~or to repair work normally performed by school~~
12 ~~district, intermediate school board, or public school academy~~
13 ~~employees.~~ The maximum amount specified in this subsection
14 **SUBDIVISION** shall be adjusted each year by multiplying the amount
15 for the immediately preceding year by the percentage by which the
16 average consumer price index for all items for the 12 months ending
17 August 31 of the year in which the adjustment is made differs from
18 that index's average for the 12 months ending on August 31 of the
19 immediately preceding year and adding that product to the maximum
20 amount that applied in the immediately preceding year, rounding to
21 the nearest whole dollar.

22 (B) **REPAIR WORK NORMALLY PERFORMED BY SCHOOL DISTRICT,**
23 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY EMPLOYEES.**

24 (C) **NEW CONSTRUCTION OR RENOVATIONS OR REPAIRS TO A BUILDING**
25 **IF ALL OF THE FOLLOWING ARE MET:**

26 (i) **THE WORK IS PERFORMED BY PUPILS ENROLLED IN A PROGRAM**
27 **OPERATED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR**

1 PUBLIC SCHOOL ACADEMY AS PART OF THEIR VOCATIONAL EDUCATION
2 INSTRUCTION.

3 (ii) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
4 PUBLIC SCHOOL ACADEMY DOES NOT INTEND TO USE ANY PART OF THE
5 BUILDING FOR CLASSROOM INSTRUCTION OR EXTRACURRICULAR ACTIVITIES.

6 (iii) THE ESTIMATED COST OF THE WORK IS LESS THAN \$200,000.