

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senators Ananich, Chang, Hertel and Santana

ENROLLED SENATE BILL No. 642

AN ACT to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 237b (MCL 18.1237b), as added by 2002 PA 504.

The People of the State of Michigan enact:

Sec. 237b. (1) The selection of architects for architectural services, professional engineers for engineering services, professional surveyors for land surveying services, and qualified firms shall be made in accordance with competitive, qualifications-based selection processes and procedures for the department and all state agencies as provided in this section.

(2) If a proposed project by a state agency requires architectural services, engineering services, or land surveying services, the department or the state agency shall publish a notice requesting a statement of interest in the proposed project by any qualified firm, along with a statement of qualifications and performance data from that qualified firm. The published notice must state the general scope and nature of the proposed project for which services are required and must include contact information for a representative of the department or state agency who can provide further details of the proposed project.

(3) In procuring architectural services, engineering services, or land surveying services for a proposed project, the department or the state agency shall evaluate the statements of interest, statements of qualifications, and performance data submitted by qualified firms. In evaluating a qualified firm for the proposed project, the department or the state agency shall consider all of the following:

- (a) Qualifications of the qualified firm.
- (b) Ability of the professional personnel of the qualified firm.
- (c) Past record and experience of the qualified firm.
- (d) Any other qualifications-based factors that the department or state agency determines are applicable.

(4) The department or state agency may conduct discussions with and require presentations by any qualified firm being considered to provide the required architectural services, engineering services, or land surveying services for the proposed project.

(5) Based on the evaluations, discussions, and presentations, the department or state agency shall select those qualified firms considered the most highly qualified to provide the required architectural services, engineering services, or land surveying services for the proposed project. The department or state agency shall rank those qualified firms selected in order based on the qualifications set forth in this section.

(6) The department or state agency shall enter into contract negotiations with the highest-ranked qualified firm as determined under subsection (3) at compensation that the department or state agency determines to be fair and reasonable. The department or state agency shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered.

(7) If the department or state agency is unable to negotiate a satisfactory contract with the highest-ranked qualified firm, negotiations with that qualified firm must be formally terminated. The department or state agency shall begin negotiations with the next most highly ranked qualified firm and continue until an agreement is reached or the process is terminated.

(8) If the department or state agency is unable to negotiate a satisfactory contract with any of the selected qualified firms, the department or state agency shall reevaluate the architectural services, engineering services, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements.

(9) The department or state agency may waive the requirements of this section under either of the following conditions:

(a) The department or state agency determines that an emergency situation exists and a qualified firm must be selected in an expeditious manner.

(b) The cost of the architectural services, engineering services, or land surveying services for a project is less than \$250,000.00.

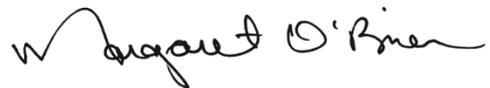
(10) As used in this section:

(a) "Architectural services" means the practice of architecture as that term is defined in section 2001 of the occupational code, 1980 PA 299, MCL 339.2001.

(b) "Engineering services" means the practice of professional engineering as that term is defined in section 2001 of the occupational code, 1980 PA 299, MCL 339.2001.

(c) "Land surveying services" means the practice of professional surveying as that term is defined in section 2001 of the occupational code, 1980 PA 299, MCL 339.2001.

(d) "Qualified firm" means a sole proprietorship, partnership, corporation, or limited liability company through which a person licensed as an architect, professional engineer, or professional surveyor under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, offers or provides architectural services, engineering services, or land surveying services to the public.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor