

SENATE BILL No. 545

September 27, 1989, Introduced by Senator N. SMITH and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 261 of Act No. 431 of the Public Acts of 1984, entitled as amended

"The management and budget act,"

as amended by Act No. 504 of the Public Acts of 1988, being section 18.1261 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 261 of Act No. 431 of the Public Acts of
2 1984, as amended by Act No. 504 of the Public Acts of 1988, being
3 section 18.1261 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 261. (1) The department shall provide for the purchase
6 of, or the contracting for, the providing of supplies, materials,
7 services, insurance, utilities, third party financing, equipment,
8 printing, and all other items as needed by state agencies for
9 which the legislature has not otherwise expressly provided. In

1 all purchases made by the department, all other things being
2 equal, preference shall be given to products manufactured or
3 services offered by Michigan-based firms, where consistent with
4 federal statutes. IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
5 ACT, IN ALL PURCHASES MADE BY THE DEPARTMENT, ALL OTHER THINGS
6 BEING EQUAL, PREFERENCE SHALL BE GIVEN TO PRODUCTS THAT ARE
7 DEGRADABLE. The department shall solicit competitive bids from
8 the private sector whenever practicable to efficiently and effec-
9 tively meet the state's needs. The department shall first deter-
10 mine that competitive solicitation of bids in the private sector
11 is not appropriate before it shall use any other procurement
12 method for an acquisition.

13 (2) The department shall make all discretionary decisions
14 concerning the solicitation, award, amendment, cancellation, and
15 appeal of state contracts.

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

20 (4) The department may delegate its procurement authority to
21 other state agencies within dollar limitations and for designated
22 types of procurements. The department may withdraw delegated
23 authority upon a finding that a state agency did not comply with
24 departmental procurement directives.

25 (5) The department may enter into lease purchases or
26 installment purchases for periods not exceeding the anticipated

1 useful life of the items purchased unless otherwise prohibited by
2 law.

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

8 (7) AS USED IN THIS SECTION, "DEGRADABLE" MEANS CAPABLE OF
9 DISINTEGRATING BY BIODEGRADATION, PHOTODEGRADATION, OR CHEMICAL
10 DEGRADATION WITHIN A PERIOD OF TIME THAT IS REASONABLE GIVEN THE
11 NATURE OF THE PRODUCT AS DETERMINED BY THE DEPARTMENT AFTER CON-
12 SULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES.