

HOUSE BILL No. 5783

February 21, 2008, Introduced by Reps. Ebli, Miller, LeBlanc, McDowell, Byrum, Byrnes, Cheeks, Wojno, Lemmons, Scott, Donigan, Vagnozzi, Young, Simpson, Hopgood, Spade, Gonzales, Sheltroun, Brown, Espinoza, Bennett, Mayes, Valentine, Polidori, Hammon, Melton, Alma Smith, Clack, Hammel, Coulouris, Meadows, Bauer, Griffin, Kathleen Law, Meisner and Angerer and referred to the Committee on Labor.

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 264 (MCL 18.1264), as added by 1988 PA 504, and by adding section 264a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 264. The department may debar a vendor from participation
2 in the bid process and from contract award upon notice and a
3 finding that the vendor is not able to perform responsibly; ~~or~~
4 that the vendor, or an officer or an owner of a 25% or greater
5 share of the vendor, has demonstrated a lack of integrity that
6 could jeopardize the state's interest if the state were to contract
7 with the vendor; **THAT THE VENDOR HAS ALLOWED AN INDIVIDUAL WHO IS**
8 **NOT AUTHORIZED TO WORK IN THE UNITED STATES TO PERFORM SERVICES**
9 **UNDER THE CONTRACT AND HAS FAILED TO COMPLY IN GOOD FAITH WITH THE**

1 VERIFICATION REQUIREMENTS IN 8 USC 1324A TO ENSURE THAT THE
2 VENDOR'S EMPLOYEES AND EMPLOYEES OF ANY SUBCONTRACTOR THAT PERFORMS
3 UNDER THE CONTRACT ARE AUTHORIZED TO WORK IN THE UNITED STATES; OR
4 THAT THE VENDOR HAS VIOLATED THE PROVISIONS OF 1965 PA 166, MCL
5 408.551 TO 408.558, IF APPLICABLE, IN THE PERFORMANCE OF A STATE
6 CONTRACT.

7 SEC. 264A. THE DEPARTMENT SHALL INCLUDE A CLAUSE REQUIRING THE
8 CONTRACTOR TO ALLOW ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN
9 THE UNITED STATES TO PERFORM SERVICES UNDER THE CONTRACT AND A
10 CLAUSE STATING THAT THE CONTRACTOR SHALL NOT VIOLATE THE PROVISIONS
11 OF 1965 PA 166, MCL 408.551 TO 408.558, IF APPLICABLE, IN EACH
12 CONTRACT IT ENTERS INTO THAT INCLUDES SERVICES. THE CONTRACT SHALL
13 PROVIDE ALL OF THE FOLLOWING AS REMEDIES IF A CONTRACTOR OR A
14 SUBCONTRACTOR OF THE CONTRACTOR PERMITS A PERSON WHO IS NOT
15 AUTHORIZED TO WORK IN THE UNITED STATES TO PERFORM SERVICES UNDER
16 THE CONTRACT AND THE CONTRACTOR HAS FAILED TO COMPLY IN GOOD FAITH
17 WITH THE VERIFICATION REQUIREMENTS IN 8 USC 1324A TO ENSURE THAT
18 THE INDIVIDUAL IS AUTHORIZED TO WORK IN THE UNITED STATES OR IF THE
19 CONTRACTOR VIOLATES THE PROVISIONS OF 1965 PA 166, MCL 408.551 TO
20 408.558, IN PERFORMING SERVICES UNDER THE CONTRACT:

21 (A) THE CONTRACTOR SHALL NOT RECEIVE FURTHER PAYMENTS UNDER
22 THE CONTRACT.

23 (B) THE CONTRACTOR MAY BE REQUIRED TO RETURN ANY PAYMENTS
24 ALREADY RECEIVED UNDER THE CONTRACT.

25 (C) THE DEPARTMENT MAY CANCEL THE CONTRACT AND HOLD THE
26 CONTRACTOR RESPONSIBLE FOR ANY ADDITIONAL COSTS INCURRED IN
27 REBIDDING THE CONTRACT.

1 (D) THE CONTRACTOR MAY BE DEBARRED FROM FURTHER AWARD OF STATE
2 CONTRACTS UNDER SECTION 264.