

State; purchasing; state contracts; require certain percentage to be awarded to businesses owned by persons with disabilities.

STATE: Purchasing; LAW: Contracts; DISABILITIES:

A bill to amend 1988 PA 112, entitled
"The business opportunity act for persons with disabilities,"
by amending the title and section 3 (MCL 450.793), as amended by
1998 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide ~~competitive opportunity in~~ FOR state
3 procurements of goods, services, and construction for businesses
4 owned by persons with disabilities; to provide powers and duties
5 of the governor; to prescribe powers and duties of certain state
6 departments and agencies; and to provide penalties.

7 Sec. 3. (1) ~~It shall be the goal of each department to~~
8 EACH DEPARTMENT SHALL award each year not less than 3% of its
9 total expenditures for construction, goods, and services, less

1 expenditures to sole source vendors, to businesses owned by
2 persons with disabilities.

3 ~~(2) At 5-year intervals from the effective date of this~~
4 ~~act~~ BY MARCH 30 OF 2004 AND EVERY FIFTH YEAR THEREAFTER, the
5 department of management and budget shall review the ~~progress of~~
6 ~~the departments in meeting the 3% goal~~ PERCENTAGE REQUIREMENT IN
7 SUBSECTION (1) with input from the business community, including
8 businesses owned by persons with disabilities, and shall make
9 recommendations to the legislature regarding continuation,
10 increases or decreases in the percentage ~~goal~~ REQUIREMENT. The
11 recommendations shall be based upon the number of businesses
12 which are owned by persons with disabilities and on the continued
13 need to encourage and promote businesses owned by persons with
14 disabilities.

15 ~~(3) It shall be the goal of each department or agency that~~
16 ~~does not meet the goal provided in subsection (1) to award each~~
17 ~~year to businesses owned by persons with disabilities not less~~
18 ~~than 150% of the actual expenditures it awarded to businesses~~
19 ~~owned by persons with disabilities in the preceding year until~~
20 ~~not less than 3% of total expenditures is achieved as provided in~~
21 ~~subsection (1).~~

22 (3) ~~(4)~~ To assist in reaching the ~~goals set in subsec-~~
23 ~~tions (1) and (3)~~ PERCENTAGE REQUIREMENT IN SUBSECTION (1), the
24 governor shall recommend to the legislature changes in programs
25 to assist businesses owned by persons with disabilities.

26 (4) ~~(5)~~ To assist in meeting the ~~goals set forth in~~
27 ~~subsections (1) and (3)~~ PERCENTAGE REQUIREMENT IN

1 SUBSECTION (1), each department shall include provisions for the
2 consideration of subcontracts and joint ventures. The provisions
3 shall require a bidder to indicate the extent of participation of
4 a business owned by persons with disabilities.

5 (5) ~~(6)~~ Only the portion of a prime contract that reflects
6 participation of a business owned by persons with disabilities
7 shall be considered in meeting the requirements of ~~subsections~~
8 ~~(1) and (3)~~ SUBSECTION (1).

9 (6) ~~(7)~~ Except as otherwise provided by statute, if the
10 bidders for any contract for construction, goods, or services do
11 not include a qualified business owned by persons with disabili-
12 ties, the contract shall be awarded to the lowest bidder quali-
13 fied to perform the contract.