

HOUSE BILL No. 6530

September 14, 2006, Introduced by Reps. Anderson, Spade, Sheltroun, Vagnozzi, Williams, Lipsey, Bieda, Accavitti, Donigan, Brown, Adamini, Mayes, Wojno and Gillard and referred to the Committee on Government Operations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 264a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 264A. (1) THE DEPARTMENT OR A STATE AGENCY SHALL NOT
2 AWARD A PROCUREMENT CONTRACT TO A VENDOR UNLESS THE VENDOR HAS
3 SUBMITTED A VERIFIED STATEMENT AFFIRMING ALL OF THE FOLLOWING:

4 (A) WITHIN THE PAST 5 YEARS THE VENDOR OR AN OFFICER OF THE
5 VENDOR HAS NOT BEEN CONVICTED OF, OR BEEN HELD RESPONSIBLE IN AN
6 ADMINISTRATIVE HEARING OR OTHER CIVIL PROCEEDING FOR, VIOLATING A
7 STATE OR FEDERAL LAW RESPECTING THE EMPLOYMENT OF PERSONS NOT
8 AUTHORIZED TO WORK IN THE UNITED STATES.

9 (B) IN PERFORMING THE CONTRACT, THE VENDOR WILL NOT DIRECTLY
10 OR INDIRECTLY EMPLOY A PERSON WHO IS UNAUTHORIZED TO WORK IN THE

1 UNITED STATES.

2 (C) THE VENDOR WILL TAKE REASONABLE STEPS TO ASCERTAIN THAT
3 EACH PERSON EMPLOYED TO PERFORM SERVICES DIRECTLY OR INDIRECTLY
4 UNDER THE STATE CONTRACT IS AUTHORIZED TO WORK IN THE UNITED
5 STATES.

6 (D) IF THE VENDOR LEARNS THAT A PERSON WHO IS NOT AUTHORIZED
7 TO WORK IN THE UNITED STATES IS PERFORMING SERVICES DIRECTLY OR
8 INDIRECTLY ON THE STATE CONTRACT, THE VENDOR WILL IMMEDIATELY
9 REPLACE, OR REQUIRE THE SUBCONTRACTOR TO REPLACE, THAT PERSON WITH
10 AN AUTHORIZED WORKER.

11 (2) AFTER NOTICE AND A HEARING, IF THE DEPARTMENT DETERMINES
12 THAT A CONTRACTOR OR SUBCONTRACTOR KNOWINGLY SUBMITTED FALSE
13 INFORMATION OR KNOWINGLY VIOLATED THE AFFIRMATIONS REQUIRED UNDER
14 SUBSECTION (1), THE STATE MAY DO 1 OR MORE OF THE FOLLOWING:

15 (A) CANCEL THE CONTRACT.

16 (B) REQUIRE FORFEITURE TO THE STATE OF UP TO 20% OF THE
17 PAYMENT DUE UNDER THE CONTRACT.

18 (C) DEBAR THE VENDOR OR SUBCONTRACTOR FROM BIDDING ON, OR THE
19 AWARD OF, STATE CONTRACTS FOR A PERIOD OF NOT MORE THAN 5 YEARS.