

SENATE BILL No. 1429

September 13, 2006, Introduced by Senators SCHAUER, SWITALSKI, CLARKE, BRATER, OLSHOVE and BARCIA and referred to the Committee on Government Operations.

A bill to prohibit vendors of procurement contracts with local units of government from employing persons not authorized to work in the United States; to require certain affirmations; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. A local unit of government shall not award a
2 procurement contract to a vendor unless the vendor has submitted a
3 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.

1 (b) In performing the contract, the vendor will not directly
2 or indirectly employ a person who is unauthorized to work in the
3 United States.

4 (c) The vendor will take reasonable steps to ascertain that
5 each person employed to perform services directly or indirectly
6 under the procurement contract is authorized to work in the United
7 States.

8 (d) If the vendor learns that a person who is not authorized
9 to work in the United States is performing services directly or
10 indirectly on the procurement contract, the vendor will immediately
11 replace, or require the subcontractor to replace, that person with
12 an authorized worker.

13 Sec. 2. If the local unit of government determines that a
14 contractor or subcontractor knowingly submitted false information
15 or knowingly violated the affirmations required under section 1,
16 the local unit of government may do 1 or more of the following:

17 (a) Cancel the contract.

18 (b) Require forfeiture to the local unit of government of up
19 to 20% of the payment due under the contract.

20 (c) Debar the vendor or subcontractor from bidding on, or
21 award of, procurement contracts with the local unit of government
22 for a period of up to 5 years.

23 Sec. 3. As used in this act, "local unit of government" means
24 a county, city, village, or township.