

# HOUSE BILL No. 5238

January 26, 2016, Introduced by Reps. Kosowski, Schor, Santana, Sheppard, Heise and Lucido and referred to the Committee on Local Government.

A bill to create the local government professional services selection act; to provide the procedure to procure architectural services, engineering services, and land surveying services by local governments; and to prescribe the powers and duties of certain local government officers and officials.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the "local  
2 government professional services selection act".

3           Sec. 3. As used in this act:

4           (a) "Architectural services" means the practice of  
5 architecture as that term is defined in section 2001 of the  
6 occupational code, 1980 PA 299, MCL 339.2001.

7           (b) "Engineering services" means the practice of professional  
8 engineering as that term is defined in section 2001 of the

1 occupational code, 1980 PA 299, MCL 339.2001.

2 (c) "Firm" means a sole proprietorship, partnership,  
3 corporation, or limited liability company through which a person  
4 licensed as an architect, professional engineer, or professional  
5 surveyor under article 20 of the occupational code, 1980 PA 299,  
6 MCL 339.2001 to 339.2014, offers or provides architectural  
7 services, engineering services, or land surveying services to the  
8 public.

9 (d) "Land surveying services" means the practice of  
10 professional surveying as that term is defined in section 2001 of  
11 the occupational code, 1980 PA 299, MCL 339.2001.

12 (e) "Local unit" means a county, city, village, township,  
13 school district, water-sewer district, authority, or any other  
14 political subdivision of this state.

15 (f) "Project" means any capital improvement project or any  
16 study, plan, survey, or new or existing program or activity that  
17 requires architectural services, engineering services, or land  
18 surveying services.

19 (g) "Satisfactory relationship" means that a firm is  
20 performing architectural services, engineering services, or land  
21 surveying services for a local unit and performing those services  
22 to the satisfaction of the local unit.

23 Sec. 5. Unless a local unit has a satisfactory relationship  
24 with 1 or more firms for providing architectural services,  
25 engineering services, or land surveying services, if a proposed  
26 project by a local unit requires architectural services,  
27 engineering services, or land surveying services, the local unit

1 shall publish a notice requesting a statement of interest in the  
2 proposed project by any firm, along with a statement of  
3 qualifications and performance data from that firm. The published  
4 notice shall state the general scope and nature of the proposed  
5 project for which services are required and shall include contact  
6 information for a representative of the local unit who can provide  
7 further details of the proposed project.

8       Sec. 7. (1) Unless a local unit has a satisfactory  
9 relationship with 1 or more firms for providing architectural  
10 services, engineering services, or land surveying services, in  
11 procuring architectural services, engineering services, or land  
12 surveying services for a proposed project, a local unit shall  
13 evaluate the statements of interest, statements of qualifications,  
14 and performance data submitted by firms. In evaluating a firm for  
15 the proposed project, a local government shall consider all of the  
16 following:

17       (a) Qualifications of the firm.

18       (b) Ability of the professional personnel of the firm.

19       (c) Past record and experience of the firm.

20       (d) Any other qualifications-based factors that the local unit  
21 determines are applicable.

22       (2) The local unit may conduct discussions with and require  
23 public presentations by any firm being considered to provide the  
24 required architectural services, engineering services, or land  
25 surveying services for the proposed project.

26       (3) Based on the evaluations, discussions, and presentations,  
27 the local unit shall select those firms considered the most highly

1 qualified to provide the required architectural services,  
2 engineering services, or land surveying services for the proposed  
3 project. The local unit shall rank those firms selected in order  
4 based on the qualifications set forth in this section.

5       Sec. 9. (1) Unless a local unit has a satisfactory  
6 relationship with 1 or more firms for providing architectural  
7 services, engineering services, or land surveying services, a local  
8 unit shall enter into contract negotiations with the highest ranked  
9 firm at compensation that the local unit determines to be fair and  
10 reasonable. The local unit shall take into account the estimated  
11 value, scope, complexity, and professional nature of the services  
12 to be rendered.

13       (2) If a local unit is unable to negotiate a satisfactory  
14 contract with the highest-ranked firm, negotiations with that firm  
15 shall be formally terminated. The local unit shall begin  
16 negotiations with the next most highly ranked firm and continue  
17 until an agreement is reached or the process is terminated.

18       (3) If the local unit is unable to negotiate a satisfactory  
19 contract with any of the selected firms, the local unit shall  
20 reevaluate the architectural services, engineering services, or  
21 land surveying services requested, including the estimated value,  
22 scope, complexity, and fee requirements. The local unit shall then  
23 compile another list of ranked firms and proceed to negotiate with  
24 those firms as provided in this section.

25       Sec. 11. A local unit may waive the requirements of this act  
26 under either of the following conditions:

27       (a) The governing body of the local unit determines, by

1 resolution, that an emergency situation exists and a firm must be  
2 selected in an expeditious manner.

3 (b) The cost of the architectural services, engineering  
4 services, or land surveying services for a project is less than  
5 \$20,000.00.

6 Enacting section 1. This act takes effect 90 days after the  
7 date it is enacted into law.