

# SENATE BILL No. 1238

May 2, 2006, Introduced by Senators BRATER, SCOTT, CHERRY, OLSHOVE, BASHAM, THOMAS, CLARK-COLEMAN, SWITALSKI, PRUSI, WHITMER, LELAND, SCHAUER, JACOBS, BARCIA and EMERSON and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1984 PA 431, entitled  
"The management and budget act,"  
(MCL 18.1101 to 18.1594) by adding section 268a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 268A. (1) A BID FOR A STATE CONTRACT FOR SERVICES SHALL  
2 NOT BE CONSIDERED FOR AWARD UNLESS THE BIDDER SUBMITS AN OUTSOURCED  
3 WORKER ACCOUNTABILITY FORM WITH THE BID THAT INCLUDES ALL OF THE  
4 FOLLOWING INFORMATION:

5            (A) THE PERCENTAGE OF THE TOTAL BID PRICE THAT WOULD BE PAID  
6 FOR SERVICES PERFORMED BY WORKERS OUTSIDE OF MICHIGAN BUT INSIDE  
7 THE UNITED STATES AND THE AMOUNT THAT WOULD BE PAID FOR THOSE  
8 SERVICES UNDER THE BID.

9            (B) THE PERCENTAGE OF THE TOTAL BID PRICE THAT WOULD BE PAID  
10 FOR SERVICES PERFORMED BY WORKERS OUTSIDE OF THE UNITED STATES AND

1 THE AMOUNT THAT WOULD BE PAID FOR THOSE SERVICES UNDER THE BID.

2 (C) THE NUMBER OF UNEMPLOYED OUTSOURCED WORKERS WHO WOULD BE  
3 HIRED TO PERFORM SERVICES IF A CONTRACT IS AWARDED ON THE BID AND  
4 THE AMOUNT THAT WOULD BE PAID TO THOSE WORKERS UNDER THE CONTRACT.

5 (2) IN AWARDING A CONTRACT FOR STATE SERVICES, THE BID  
6 EVALUATOR MAY GRANT A PREFERENCE TO A BIDDER THAT WOULD PERFORM A  
7 HIGHER PERCENTAGE OF THE SERVICES IN MICHIGAN OR THAT WOULD UTILIZE  
8 A LARGER NUMBER OF OUTSOURCED WORKERS. A PREFERENCE UNDER THIS  
9 SUBSECTION SHALL BE GRANTED IN THE BEST INTERESTS OF THE STATE.

10 (3) A CONTRACT AWARDEE SHALL PROMPTLY UPDATE THE OUTSOURCED  
11 WORKER ACCOUNTABILITY FORM IF THERE IS A CHANGE IN THE INFORMATION  
12 SUBMITTED. IF THE CONTRACT EXTENDS FOR MORE THAN A YEAR, THE  
13 CONTRACTOR SHALL SUBMIT AN UPDATED OUTSOURCED WORKER ACCOUNTABILITY  
14 FORM AT 12-MONTH INTERVALS.

15 (4) A CONTRACTOR WHO SUBMITS FALSE INFORMATION INDICATING A  
16 HIGHER PERCENTAGE OR DOLLAR VALUE OF SERVICES PERFORMED IN MICHIGAN  
17 OR A HIGHER NUMBER OF OUTSOURCED WORKERS THAN ACTUALLY PAID OR  
18 EMPLOYED UNDER THE CONTRACT MAY BE DEBARRED FROM BIDDING FOR OR  
19 AWARD OF STATE CONTRACTS IN ADDITION TO INCURRING ANY SANCTIONS OR  
20 LIQUIDATED DAMAGES PROVIDED IN THE CONTRACT.

21 (5) AS USED IN THIS SECTION, "OUTSOURCED WORKER" MEANS  
22 ADVERSELY AFFECTED WORKER AS THAT TERM IS DEFINED IN 20 CFR 617.3.