

SENATE BILL No. 1074

January 20, 2010, Introduced by Senators PAPPAGEORGE, BISHOP, JANSEN, CROPSEY, GEORGE and CASSIS and referred to the Committee on Reforms and Restructuring.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1245.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1245. (1) SUBJECT TO SUBSECTION (4), NOT LATER THAN JUNE
2 30, 2010, THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
3 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
4 ENTER INTO 1 OR MORE CONTRACTS FOR THE PROVISION OF ALL
5 NONINSTRUCTIONAL SUPPORT SERVICES FOR THE SCHOOL DISTRICT,
6 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. A SCHOOL
7 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
8 MAY CONTRACT WITH ANY PERSON OR ENTITY TO PROVIDE THESE SERVICES,
9 INCLUDING, BUT NOT LIMITED TO, CONTRACTING WITH A GROUP OF ITS

1 EMPLOYEES OR A REPRESENTATIVE OF A GROUP OF ITS EMPLOYEES TO
2 PROVIDE 1 OR MORE OF THESE SERVICES ON A CONTRACTUAL BASIS RATHER
3 THAN AN EMPLOYMENT BASIS.

4 (2) BEFORE ENTERING INTO A CONTRACT DESCRIBED IN SUBSECTION
5 (1) OR RENEWAL OF A CONTRACT DESCRIBED IN SUBSECTION (1), THE BOARD
6 OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
7 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL OBTAIN COMPETITIVE BIDS
8 ON THE PROVISION OF THE SERVICES. NOT LATER THAN MARCH 1, 2010, THE
9 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP AND MAKE
10 AVAILABLE TO SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, AND
11 PUBLIC SCHOOL ACADEMIES A MODEL COMPETITIVE BIDDING PROCESS THAT
12 MAY BE USED FOR THE PURPOSES OF THIS SUBSECTION. THIS MODEL PROCESS
13 MAY BE BASED ON THE PROCESS PRESCRIBED FOR COMPETITIVE BIDDING OF
14 CONSTRUCTION CONTRACTS UNDER SECTION 1267. THIS MODEL PROCESS AND
15 THE COMPETITIVE BIDDING PROCESS ADOPTED BY A SCHOOL DISTRICT,
16 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL
17 REQUIRE THAT COMPETING BIDS WILL BE POSTED, WITH A LINK ON THE HOME
18 PAGE, ON THE WEBSITE OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
19 DISTRICT, OR PUBLIC SCHOOL ACADEMY.

20 (3) SUBSECTION (2) DOES NOT APPLY TO CONTRACTS OF LESS THAN
21 \$20,000.00. THE MAXIMUM AMOUNT SPECIFIED IN THIS SUBSECTION SHALL
22 BE ADJUSTED EACH YEAR BY MULTIPLYING THE AMOUNT FOR THE IMMEDIATELY
23 PRECEDING YEAR BY THE PERCENTAGE BY WHICH THE AVERAGE CONSUMER
24 PRICE INDEX FOR ALL ITEMS FOR THE 12 MONTHS ENDING AUGUST 31 OF THE
25 YEAR IN WHICH THE ADJUSTMENT IS MADE DIFFERS FROM THAT INDEX'S
26 AVERAGE FOR THE 12 MONTHS ENDING ON AUGUST 31 OF THE IMMEDIATELY
27 PRECEDING YEAR AND ADDING THAT PRODUCT TO THE MAXIMUM AMOUNT THAT

1 APPLIED IN THE IMMEDIATELY PRECEDING YEAR, ROUNDING TO THE NEAREST
2 WHOLE DOLLAR.

3 (4) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO ALL OF THE
4 FOLLOWING:

5 (A) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR
6 EMPLOYEES OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
7 PUBLIC SCHOOL ACADEMY AS OF THE EFFECTIVE DATE OF THE AMENDATORY
8 ACT THAT ADDED THIS SECTION, AND IF THAT COLLECTIVE BARGAINING
9 AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION (1), THEN SUBSECTION
10 (1) DOES NOT APPLY TO THAT SCHOOL DISTRICT, INTERMEDIATE SCHOOL
11 DISTRICT, OR PUBLIC SCHOOL ACADEMY UNTIL AFTER THE EXPIRATION OF
12 THAT COLLECTIVE BARGAINING AGREEMENT.

13 (B) IF A CONTRACT FOR THE PROVISION OF 1 OR MORE
14 NONINSTRUCTIONAL SUPPORT SERVICES IS IN EFFECT IN A SCHOOL
15 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY,
16 THEN THIS SECTION DOES NOT APPLY TO THE SERVICES COVERED BY THAT
17 CONTRACT UNTIL AFTER THE EXPIRATION OF THAT CONTRACT.

18 (5) AS USED IN THIS SECTION, "NONINSTRUCTIONAL SUPPORT
19 SERVICES" MEANS CUSTODIAL SERVICES, TRANSPORTATION SERVICES, AND
20 FOOD SERVICE.