

SUBSTITUTE FOR
SENATE BILL NO. 642

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
by amending section 237b (MCL 18.1237b), as added by 2002 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 237b. **(1)** The selection of architects **for architectural**
2 **services,** professional engineers **for engineering services,**
3 professional surveyors **for land surveying services,** and qualified
4 firms shall be made in accordance with competitive, qualifications-
5 based selection processes and procedures for ~~the type of~~
6 ~~professional service required by the department.~~**the department and**
7 **all state agencies as provided in this section.**
8 **(2)** If a proposed project by a state agency requires
9 architectural services, engineering services, or land surveying

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

9 (3) In procuring architectural services, engineering services,
10 or land surveying services for a proposed project, the department
11 or the state agency shall evaluate the statements of interest,
12 statements of qualifications, and performance data submitted by
13 qualified firms. In evaluating a qualified firm for the proposed
14 project, the department or the state agency shall consider all of
15 the following:

16 (a) Qualifications of the qualified firm.

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

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

20 (d) Any other qualifications-based factors that the department
21 or state agency determines are applicable.

22 (4) The department or state agency may conduct discussions
23 with and require presentations by any qualified firm being
24 considered to provide the required architectural services,
25 engineering services, or land surveying services for the proposed
26 project.

27 (5) Based on the evaluations, discussions, and presentations,
28 the department or state agency shall select those qualified firms
29 considered the most highly qualified to provide the required

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

5 (6) The department or state agency shall enter into contract
6 negotiations with the highest-ranked qualified firm as determined
7 under subsection (3) at compensation that the department or state
8 agency determines to be fair and reasonable. The department or
9 state agency shall take into account the estimated value, scope,
10 complexity, and professional nature of the services to be rendered.

11 (7) If the department or state agency is unable to negotiate a
12 satisfactory contract with the highest-ranked qualified firm,
13 negotiations with that qualified firm must be formally terminated.
14 The department or state agency shall begin negotiations with the
15 next most highly ranked qualified firm and continue until an
16 agreement is reached or the process is terminated.

17 (8) If the department or state agency is unable to negotiate a
18 satisfactory contract with any of the selected qualified firms, the
19 department or state agency shall reevaluate the architectural
20 services, engineering services, or land surveying services
21 requested, including the estimated value, scope, complexity, and
22 fee requirements.

23 (9) The department or state agency may waive the requirements
24 of this section under either of the following conditions:

25 (a) The department or state agency determines that an
26 emergency situation exists and a qualified firm must be selected in
27 an expeditious manner.

28 (b) The cost of the architectural services, engineering
29 services, or land surveying services for a project is less than

1 \$250,000.00.

2 (10) As used in this section:

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

6 (b) "Engineering services" means the practice of professional
7 engineering as that term is defined in section 2001 of the
8 occupational code, 1980 PA 299, MCL 339.2001.

9 (c) "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 (d) "Qualified firm" means a sole proprietorship, partnership,
13 corporation, or limited liability company through which a person
14 licensed as an architect, professional engineer, or professional
15 surveyor under article 20 of the occupational code, 1980 PA 299,
16 MCL 339.2001 to 339.2014, offers or provides architectural
17 services, engineering services, or land surveying services to the
18 public.