

Legislative Analysis



FOIA EXEMPTIONS FOR DTMB PROCUREMENT

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Senate Bill 69 as passed by the Senate (S-1)
Sponsor: Sen. Rick Jones
House Committee: Michigan Competitiveness
Senate Committee: Government Operations
Complete to 2-21-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 69 would amend the Management and Budget Act to exempt certain business information from the Freedom of Information Act (FOIA) when that business is applying for state government service and purchase contracts through the Department of Technology, Management, and Budget (DTMB).

Under SB 69, when the DTMB uses its competitive solicitation process for state procurement contracts, the following records would be exempt from FOIA:

- A bid, quote, or proposal submitted for a contract, and records created in the preparation and evaluation of the bid, quote, or proposal until the time of final notification of the contract's award.
- Records containing a trade secret, as defined in the Uniform Trade Secrets Act.
- Financial or proprietary information submitted, defined in the bill as "information that has not been publicly disseminated or which is unavailable from other sources, the release of which might cause the submitter of the information competitive harm."

MCL 18.1261

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local governments.

Legislative Analyst: Patrick Morris
Fiscal Analyst: Mary Ann Cleary

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