

SENATE BILL NO. 642

September 15, 2021, Introduced by Senators ANANICH and CHANG and referred to the Committee on Economic and Small Business Development.

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~~

1 ~~professional service required by the department.~~the department and
2 all state agencies as provided in this section.

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

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

20 (a) Qualifications of the qualified firm.

21 (b) Ability of the professional personnel of the qualified
22 firm.

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

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

26 (4) The department or state agency may conduct discussions
27 with and require public presentations by any qualified firm being
28 considered to provide the required architectural services,
29 engineering services, or land surveying services for the proposed

1 project.

2 (5) Based on the evaluations, discussions, and presentations,
3 the department or state agency shall select those qualified firms
4 considered the most highly qualified to provide the required
5 architectural services, engineering services, or land surveying
6 services for the proposed project. The department or state agency
7 shall rank those qualified firms selected in order based on the
8 qualifications set forth in this section.

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

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

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

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

29 (a) The department or state agency determines that an

1 emergency situation exists and a qualified firm must be selected in
2 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 \$250,000.00.

6 (10) As used in this section:

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

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

13 (c) "Land surveying services" means the practice of
14 professional surveying as that term is defined in section 2001 of
15 the occupational code, 1980 PA 299, MCL 339.2001.

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