

HOUSE BILL NO. 4954

September 12, 2019, Introduced by Rep. Marino and referred to the Committee on Commerce and Tourism.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 266. (1) The department shall develop a protest process**
2 **for an unsuccessful bidder to protest an award decision under this**
3 **act.**

4 **(2) The protest process developed by the department shall be**
5 **clearly stated on the department's website and referred to in all**



1 requests for proposals issued by the department.

2 (3) The protest process developed by the department shall
3 include all the following:

4 (a) The time and manner in which the unsuccessful bidder must
5 file the protest.

6 (b) The specific information that must be included in the
7 protest.

8 (c) The specific statute, procurement policy, or solicitation
9 instruction that was violated in the award decision.

10 (d) If the protest process provides for a protest period
11 extension, then obtaining information under the freedom of
12 information act, 1976 PA 442, MCL 15.231 to 15.246, is not a valid
13 reason for a protest period extension.

14 (4) The following actions of a bidder do not constitute a
15 valid reason for protesting an award:

16 (a) Failure of a bidder to properly follow solicitation
17 submission instructions.

18 (b) Failure of a bidder to submit the bid to the department by
19 the due date and time.

20 (c) Failure of a bidder to provide mandatory samples,
21 descriptive literature, or other required documents by the date and
22 time specified.

23 (d) Failure of a bidder to provide a required deposit or
24 performance bond by the date and time specified.

25 (e) Failure of a bidder to submit a protest within the time
26 stipulated in the solicitation request for proposal.

27 (5) The chief procurement officer or his or her designee shall
28 investigate and provide a written response to the protesting party
29 to all protests that meet the requirements of this section. Until



1 issuing a final decision on a timely protest, the department will
2 not finalize an award of a contract or purchase order pursuant to a
3 disputed solicitation. However, if there is a threat to public
4 health, safety, or welfare, or danger of immediate and substantial
5 harm to state property from delay in making an award, the chief
6 procurement officer may proceed with an award and document the
7 justification for that action.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 100th Legislature are
10 enacted into law:

11 (a) Senate Bill No. _____ or House Bill No. 4956 (request no.
12 01138'19 *).

13 (b) Senate Bill No. _____ or House Bill No. 4955 (request no.
14 03476'19).

