

HOUSE BILL No. 5188

October 11, 2001, Introduced by Rep. Gosselin and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1267 (MCL 380.1267), as amended by 1995 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1267. (1) Before commencing construction of a new
2 school building, or addition to or repair or renovation of an
3 existing school building, except repair in emergency situations,
4 the board of a school district or board of directors of a public
5 school academy, shall obtain competitive bids on all the material
6 and labor required for the complete construction of a proposed
7 new building or addition to or repair or renovation of an exist-
8 ing school building.

9 (2) The board or board of directors shall advertise for the
10 bids required under subsection (1) once each week for 2

1 successive weeks in a newspaper of general circulation in the
2 area where the building or addition is to be constructed or where
3 the repair or renovation of an existing building is to take
4 place. The advertisement for bids shall do all of the
5 following:

6 (a) Specify the date and time by which all bids must be
7 received by the board or board of directors.

8 (b) State that the board or board of directors will not con-
9 sider or accept a bid received by the board or board of directors
10 after the date and time specified for bid submission.

11 (c) Identify the time, date, and place of a public meeting
12 at which the board or board of directors or its designee will
13 open and read aloud each bid received by the board or board of
14 directors by the date and time specified in subdivision (a).

15 (3) The board or board of directors shall require each
16 bidder for a contract under this section to file with the board
17 or board of directors security in an amount not less than 1/20 of
18 the amount of the bid conditioned to secure the school district
19 from loss or damage by reason of the withdrawal of the bid or by
20 the failure of the bidder to enter a contract for performance, if
21 the bid is accepted by the board or board of directors.

22 (4) The board or board of directors shall not open, consid-
23 er, or accept a bid that the board or board of directors receives
24 after the date and time specified for bid submission in the
25 advertisement for bids described in subsection (2).

26 (5) IN ACCEPTING OR REJECTING A BID UNDER THIS SECTION, A
27 BOARD OR BOARD OF DIRECTORS SHALL NOT DISCRIMINATE AGAINST A

1 BIDDER BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, OR SEX
2 OR BECAUSE OF THE STATUS OF ITS EMPLOYEES WITH RESPECT TO COLLEC-
3 TIVE BARGAINING REPRESENTATION.

4 (6) ~~-(5)-~~ At a public meeting identified in the advertise-
5 ment for bids described in subsection (2), the board or board of
6 directors or its designee shall open and read aloud each bid that
7 the board or board of directors received at or before the time
8 and date for bid submission specified in the advertisement for
9 bids. The board or board of directors may reject any or all
10 bids, and if all bids are rejected, shall readvertise in the
11 manner required by this section.

12 (7) ~~-(6)-~~ This section does not apply to buildings, renova-
13 tions, or repairs costing less than \$12,500.00 or to repair work
14 normally performed by school district employees. The maximum
15 amount specified in this subsection shall be adjusted each year
16 by multiplying the amount for the immediately preceding year by
17 the percentage by which the average consumer price index for all
18 items for the 12 months ending August 31 of the year in which the
19 adjustment is made differs from that index's average for the
20 12 months ending on August 31 of the immediately preceding year
21 and adding that product to the maximum amount that applied in the
22 immediately preceding year, rounding to the nearest whole
23 dollar.