

HOUSE BILL No. 5267

November 6, 2003, Introduced by Reps. Newell, Palsrok, Howell, Shackleton, Shaffer and Sheen and referred to the Committee on Education.

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
6 material and labor required for the complete construction of a
7 proposed new building or addition to or repair or renovation of
8 an existing 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
9 consider or accept a bid received by the board or board of
10 directors after the date and time specified for bid submission.

11 (c) Identify the time, date, and place of a public meeting at
12 which the board or board of directors or its designee will open
13 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 bidder
16 for a contract under this section to file with the board or board
17 of directors security in an amount not less than 1/20 of the
18 amount of the bid conditioned to secure the school district from
19 loss or damage by reason of the withdrawal of the bid or by the
20 failure of the bidder to enter a contract for performance, if the
21 bid is accepted by the board or board of directors.

22 (4) The board or board of directors shall not open, consider,
23 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) At a public meeting identified in the advertisement for
27 bids described in subsection (2), the board or board of directors

1 or its designee shall open and read aloud each bid that the board
2 or board of directors received at or before the time and date for
3 bid submission specified in the advertisement for bids. The
4 board or board of directors may reject any or all bids, and if
5 all bids are rejected, shall readvertise in the manner required
6 by this section.

7 (6) This section does not apply to ~~buildings~~ **any of the**
8 **following:**

9 (a) **Buildings**, renovations, or repairs costing less than
10 \$12,500.00. ~~or to repair work normally performed by school~~
11 ~~district employees.~~ The maximum amount specified in this
12 ~~subsection~~ **subdivision** shall be adjusted each year by
13 multiplying the amount for the immediately preceding year by the
14 percentage by which the average consumer price index for all
15 items for the 12 months ending August 31 of the year in which the
16 adjustment is made differs from that index's average for the
17 12 months ending on August 31 of the immediately preceding year
18 and adding that product to the maximum amount that applied in the
19 immediately preceding year, rounding to the nearest whole
20 dollar.

21 (b) **Repair work normally performed by school district**
22 **employees.**

23 (c) **A building or renovations or repairs to a building if all**
24 **of the following are met:**

25 (i) **The work is performed by pupils of the school district or**
26 **public school academy as part of their vocational education**
27 **instruction.**

1 (ii) The school district or public school academy does not
2 intend to use any part of the building for classroom instruction
3 or extracurricular activities.

4 (iii) The estimated cost of the work is less than
5 \$200,000.00.