

# Policy Changes to Implement 2020 Public Acts

Prepared for the Michigan House and Senate General  
Government Appropriations Subcommittees, the Joint  
Committee on Administrative Rules, and the House  
and Senate Fiscal Agencies

April 1, 2021



## **EXECUTIVE SUMMARY**

The Department of Technology, Management and Budget, in accordance with Section 221 of Public Act 166 of 2020, has prepared this Policy Changes to Implement 2020 Public Acts report. The Act states:

*“Sec. 221. Each department and agency shall report no later than April 1 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the senate and house of representatives standing committees on appropriations subcommittees on general government, the joint committee on administrative rules, and the senate and house fiscal agencies.”*

With the exception of appropriations bills, two acts impacted department activities that became law in calendar year 2020. Following enactment, the Department made policy changes or took other actions to implement those acts where necessary. The following chart lists the changes made to implement each act as of March 31, 2021.

Please contact Bree Anderson Legislative Liaison, Department of Technology, Management and Budget at 517-256-7822 or [andersonb24@michigan.gov](mailto:andersonb24@michigan.gov) for more information.

---

<i>2020 Public Act</i>	<i>Bill</i>	<i>Act Description</i>	<i>Policy Changes</i>
173	HB 4831	<p>The Act amends the Management and Budget Act to require a state agency having delegated authority to enter contracts to procure certain goods and services to obtain written approval from the Department of Technology, Management, and Budget (DTMB) before exercising an option to continue a current procurement contract.</p> <ul style="list-style-type: none"> <li>• Specifies that if a State agency that had been delegated procurement authority by DTMB chose to exercise an option under an existing procurement contract to continue that procurement contract, it first would have to obtain written approval from the DTMB that exercising the option was in the best interest of the State.</li> </ul>	<p>Central Procurement Services has made the appropriate policy changes in the Michigan Procurement Policy Manual (MPPM) to reflect the statute changes. The updated MPPM with those changes can be found here: <a href="#">MPPM Chapter 10 Contracting (michigan.gov)</a>.</p>
174	HB 5053	<p>The Act amends the Management and Budget Act (1984 PA 431) to require the Department of Technology, Management, and Budget (DTMB) to develop, by October 1, 2020, policies and procedures that require all state procurement contracts entered into by DTMB, or any state agency or department that has delegated procurement authority under the Management and Budget Act, to include performance-related liquidated damages or performance targets with incentives in all procurement contracts.</p> <ul style="list-style-type: none"> <li>• A state agency, or any department that has delegated procurement authority, would also be required to enforce the performance-related contract provisions and to inform DTMB of relevant performance issues.</li> <li>• Allows DTMB to grant exceptions to the contract provisions and enforcement requirements if it provides it in a written or electronic record.</li> </ul>	<p>Central Procurement Services has made the appropriate policy changes in the MPPM to reflect the statute changes. The updated MPPM with those changes can be found here: <a href="#">MPPM Chapter 10 Contracting (michigan.gov)</a> and <a href="#">MPPM Chapter 12 Contract Management (michigan.gov)</a> and <a href="#">MPPM Chapter 6 Solicitation Development (michigan.gov)</a></p>

2020 Public Act	Bill	Act Description	Policy Changes
288	HB 5426	<p>The Act amends the Cyber Civilian Corps Act to revise definitions, to ensure that volunteers with the Michigan Cyber Civilian Corps (MiC3) meet criteria to qualify as a volunteer, to distinguish between deployable and nondeployable volunteers, and to track volunteer and advisor trainings.</p> <ul style="list-style-type: none"> <li>• Allows DTMB to appoint individuals to serve as advisors, in addition to volunteers revises provisions in the act to apply also to advisors.</li> <li>• Redefines potential MiC3 clients to replace the reference to “business organization” with “critical infrastructure organization” and sets out a definition for critical infrastructure organizations.</li> <li>• Creates, defines, and sets forth qualifying criteria for the position of MiC3 Advisor.</li> <li>• Includes MiC3 advisers as subject to program requirements, responsibilities, and liability protections.</li> <li>• Requires the completion of the background check process before MiC3 volunteers or advisors can participate in MiC3-hosted training.</li> </ul>	<p>DTMB has made the appropriate policy changes to the Michigan Cyber Civilian Corps (MiC3) policies to reflect the statutory changes. While updating the policy the unit also developed a MiC3 Playbook; a centralized compendium of the MiC3’s policies, legal authorities, and procedures that streamlines the management and operation of the MiC3 and the deployment of volunteer resources.</p>
289	HB 5427	<p>The Act amends the Cyber Civilian Corps Act to require the advisory board to meet at least twice annually and require it to review and make recommendations on individuals applying for nondeployable advisor status. The chief information officer, after consulting with the advisory board, would have to establish and maintain a formal process to track volunteer and advisor trainings and compliance with standards as determined by DTMB.</p> <ul style="list-style-type: none"> <li>• Requires the MiC3 Advisory Board to make decisions regarding the designation of applicants as non-deployable MiC3 Advisors.</li> <li>• Requires the establishment of a process for tracking trainings and adherence to standards of expertise.</li> <li>• Requires an explanation of the prioritization of prospective clients.</li> <li>• Adds advisors to those who may receive training through the MiC3 program.</li> </ul>	<p>DTMB has made the appropriate policy changes to the Michigan Cyber Civilian Corps (MiC3) policies to reflect the statutory changes. While updating the policy the unit also developed a MiC3 Playbook; a centralized compendium of the MiC3’s policies, legal authorities, and procedures that streamlines the management and operation of the MiC3 and the deployment of volunteer resources.</p>