

## 0510.41 Purchase of Legal Services

Issued: July 31, 2012  
Revised:

### PURPOSE

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To provide procedures for legal services provided by the Attorney General (AG) when agencies seek to hire Special Assistant Attorneys General (SAAG) and Expert Witnesses (Expert).

### APPLICATION

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Executive Branch Departments and Sub-units (agency).

### CONTACT AGENCY

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Department of Technology, Management and Budget (DTMB)  
Procurement

and

Department of Attorney General (AG)

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### SUMMARY

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The Attorney General (AG) shall perform all legal services, including representation before courts and administrative agencies, rendering legal opinions and providing legal advice to an agency. An agency shall not employ or enter into a contract with any other person for legal services without prior written approval from the AG.

The AG is the only state official authorized by law to appoint SAAGs. The purchase of legal services provided by SAAGs and Experts must be with the prior written approval of the AG. Agencies must work with the AG and DTMB Procurement to contract for these services. All SAAG contracts must be in a form approved by the AG.

DTMB's bidding and delegation requirements are not applicable to SAAGs.

DTMB's bidding and delegation requirements are not applicable to the hiring of Michigan Administrative Hearing System (MAHS) hearing officers.

Agencies submitting AG approved requisitions to DTMB Procurement to purchase legal services must use the applicable Office of Purchasing "OP" document types in MAIN.

### APPLICABLE FORMS AND PROCESSES

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#### Civil Service

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Annual Disclosure

## **Department of Attorney General**

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SAAG Contract

### **iTRAC**

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DTMB Purchase Request Form (PRF) in iTRAC

iTRAC Request

### **MAIN**

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- Requisition for Office of Purchasing (OP) (PCHL2100)
- CS-138 Contractual Services Request (PCHL2117)
- Blanket Purchase Order (BPO) (PCHL2342)

## **PROCEDURES**

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### **Agency and DTMB Procurement Approvals**

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- Internal and external approvals must be obtained and documented according to agency policies and procedures, including requirements for delegations and signature authority.

### **Michigan Civil Service Commission Approval for Services**

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- The disbursement of funds to pay for services performed by an independent contractor (including SAAGs and Experts) must have the prior approval of the Michigan Civil Service Commission pursuant to the CS-138 process (PCHL2117). See [Michigan Civil Service Commission website](http://www.michigan.gov/mdcs) ([www.michigan.gov/mdcs](http://www.michigan.gov/mdcs)).

### **Agency Requirements for SAAG Contracts**

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- Determines with the AG whether hiring a SAAG is appropriate.
- Requests AG approval if the agency desires inter-account billing for the legal services. Otherwise, the agency pays the SAAG directly.

### **Agency Pays Directly**

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- Identifies for the AG the agency's personnel authorized to purchase the requested services and authorized to sign the SAAG contract on behalf of the agency.
- Sends to the AG written confirmation that the Agency will pay for the SAAG.
- Obtains the AG's letter approving the hiring of the SAAG.
- Assists the AG in completing the SAAG contract.
- Signs the SAAG contract after receiving the AG's approval letter.
- Returns the SAAG contract to the AG for the Attorney General's signature.
- Prepares and submits the CS-138 to the Civil Service Commission.
- Prepares and submits the PRF in iTRAC.

- Prepares a SAAG contract abstract for the State Administrative Board (AdBd) in accordance with the requirements of the AdBd Threshold Resolution.
- Submits to the AdBd the Bid Tabulation or Contract Change Recommendation for the SAAG services and a copy of the AG's letter of approving the hiring of the SAAG.
- Prepares the Blanket Purchase Order for the SAAG contract.

### **Agency Pays by Inter-Account Billing**

- Submits to the AG a written request to pay for the SAAG services by inter-account reimbursement. If the AG approves the request, provides to the AG the agency's account number for inter-account reimbursement.
- Sends to the AG written confirmation that the agency will pay for the SAAG.
- Identifies for the AG the agency's personnel authorized to purchase the requested services and authorized to sign the SAAG contract on behalf of the agency.
- Assists the AG in completing the SAAG contract.
- Signs the contract and returns the contract to the AG.
- Obtains the AG's letter approving the hiring of the SAAG.
- AG prepares and submits the CS-138 to the Civil Service Commission.
- AG prepares and submits to the AdBd the SAAG Bid Tabulation or Contract Change Recommendation in accordance with the requirements of the AdBd Threshold Resolution.
- AG prepares and submits the Blanket Purchase Order for the contract.
- AG requests reimbursement for the SAAG services from the agency by inter-account reimbursement.

### **Agency Requirements for Expert Witness Contracts**

- Determines with the AG whether hiring an Expert is appropriate.
- Determines with the AG the proper procurement process.
- Requests AG approval if agency desires inter-account billing for the Expert. Otherwise, the agency must pay the Expert directly.
- Follows DTMB's and agency's procurement policies and procedures in selecting the proposed Expert.

### **Agency Pays Directly**

- Identifies for the AG the agency's personnel authorized to purchase the requested services and authorized to sign the Expert's contract on behalf of the agency.
- Sends to the AG written confirmation that the agency will pay for the Expert.

- If the contract is for more than \$75,000, requests a specific delegated authority letter from the DTMB Chief Procurement Officer.
- Assists the AG in completing the Expert contract.
- Signs the Expert's contract after receiving AG approval and returns the contract to the AG for the Attorney General's signature.
- Agency uses the statewide pre-approved CS-138 for Experts.
- Prepares and submits the PRF in iTRAC.
- Prepares and submits to the AdBd the Bid Tabulation or Contract Change Recommendation for the Expert's services in accordance with the requirements of the AdBd Threshold Resolution.
- Prepares the Blanket Purchase Order for the contract.

### **Agency Pays by Inter-Account Billing**

- Submits to the AG a written request to pay for the Expert's services by inter-account reimbursement. If the AG approves the request, provides to the AG the agency's account number for inter-account reimbursement.
- Sends to the AG written confirmation that the agency will pay for the Expert.
- Identifies for the AG the agency's personnel authorized to purchase the requested services and authorized to sign the Expert's contract on behalf of the agency.
- If the contract is for more than \$75,000, the AG will request a specific delegated authority letter from the DTMB Chief Procurement Officer.
- AG completes the Expert's contract.
- Agency signs the contract and returns the contract to the AG for the Attorney General's signature.
- AG uses the statewide pre-approved CS-138 for Experts.
- AG prepares and submits to the AdBd the Bid Tabulation or Contract Change for the Expert's services in accordance with the requirements of the AdBd Threshold Resolution.
- AG prepares and submits the Blanket Purchase Order for the contract.
- AG requests reimbursement for the Expert's services from the agency by inter-account reimbursement.

### **Agency Requirements for Hearing Officer Contracts**

- See attached Department of Licensing and Regulatory Affairs policy "Implementing State Administrative Board Resolution 2007-1."

## Authority

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- Revised Statutes of 1846, MCL 14.35 (Attorney General)
- Public Act 431 of 1984, as amended; MCL 18.1101, et seq. (Management and Budget)
- Executive Reorganization Order 2005-1 (SOHAR Hearing Officers)
- Executive Reorganization Order 2011-4 (MAHS Hearing Officers)
- Annual Appropriation Bills Sections:
  - (1) Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the Attorney General. This prohibition does not apply to legal services for bonding activities and for those activities that the Attorney General authorizes.
  - (2) The Attorney General shall perform all legal services, including representation before courts and administrative agencies, rendering legal opinions and providing legal advice to a principal executive department or state agency. A principal executive department or state agency shall not employ or enter into a contract with any other person for services.

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