

Act No. 181
Public Acts of 2015
Approved by the Governor
November 10, 2015
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November 10, 2015
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STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015

Introduced by Reps. Aaron Miller, Cole, Leutheuser, Iden, Sheppard, Theis, Inman and Potvin

ENROLLED HOUSE BILL No. 4610

AN ACT to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” (MCL 220.1 to 239.6) by adding section 19c to chapter IV.

The People of the State of Michigan enact:

CHAPTER IV

Sec. 19c. (1) Notwithstanding any provision of law to the contrary and subject to subsections (4) and (6), if a single township contributes 50% or more to the cost of a road project, the road project is located entirely within the jurisdiction of the township, and the road project does not disrupt any multiple township contract, the township board, by resolution, may require that the county road commission contract for the work on that road project through competitive bidding. A county road commission is not prohibited from submitting a competitive bid under this section.

(2) If a township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (1), the county road commission shall use the responsive and reasonable best value bidder process to competitively bid and award the road project contract to a responsive and reasonable best value bidder. As used in this subsection, “responsive and reasonable best value bidder” means a bidder who meets 1 of the following:

(a) Complies with all bid specifications and requirements and is listed by the Michigan department of transportation as a qualified bidder for the particular type of road project involved.

(b) Complies with all bid specifications and requirements and is determined by the Michigan department of transportation or the county road commission to be responsible using all of the following criteria:

- (i) The bidder’s financial resources.
- (ii) The bidder’s technical capabilities.
- (iii) The bidder’s professional experience.
- (iv) The bidder’s past performance.
- (v) The bidder’s insurance and bonding capacity.

(3) If a township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (1), the county road commission shall, within 15 days after the deadline for accepting bids, do all of the following:

(a) Based on the responsive and reasonable best value bidder process, determine which bids submitted are qualified and which bids submitted are not qualified.

(b) Clearly mark the bids, indicating which bids are qualified and which bids are not qualified.

(c) Transmit all of the bids received to the township board described in subsection (1) at least 30 days before awarding the contract to a qualified bidder.

(4) Subsections (1), (2), and (3) only apply to the following road projects:

(a) A road project involving unpaved roads with an estimated cost of more than \$25,000.00.

(b) A road project involving paved roads with an estimated cost of more than \$50,000.00.

(5) Notwithstanding any provision of law to the contrary and subject to subsection (10), if a single township contributes 50% or more to the cost of a very low-volume local road project, the road project is located entirely within the jurisdiction of the township, and the road project does not disrupt any multiple township contract, the work on that very low-volume local road project shall, at a minimum, comply with the standards adopted by the American Association of State Highway and Transportation Officials for very low-volume local road projects. A county road commission shall not impose construction and design standards on a very low-volume local road project that exceed the American Association of State Highway and Transportation Officials construction and design standards for very low-volume local road projects unless those standards are approved by the township board of a township described in this subsection. As used in this subsection, "very low-volume local road" means that term as defined by the American Association of State Highway and Transportation Officials in guidelines for geometric design of very low-volume local roads ($ADT \leq 400$).

(6) Notwithstanding any provision of law to the contrary and subject to subsection (9), if 2 or more townships in combination with one another contribute 50% or more to the cost of a road project, the road project is located entirely within the jurisdiction of those townships, and the road project does not disrupt any multiple township contract, the township board of each of those townships, by resolution, may require that the county road commission contract for the work on that road project through competitive bidding. Competitive bidding by the county road commission is required on a road project described in this subsection only if each township board described in this subsection passes a resolution requiring that the work be awarded through competitive bidding. A county road commission is not prohibited from submitting a competitive bid under this section.

(7) If each township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (6), the county road commission shall use the responsive and reasonable best value bidder process to competitively bid and award the road project contract to a responsive and reasonable best value bidder. As used in this subsection, "responsive and reasonable best value bidder" means a bidder who meets 1 of the following:

(a) Complies with all bid specifications and requirements and is listed by the Michigan department of transportation as a qualified bidder for the particular type of road project involved.

(b) Complies with all bid specifications and requirements and is determined by the Michigan department of transportation or the county road commission to be responsible using all of the following criteria:

(i) The bidder's financial resources.

(ii) The bidder's technical capabilities.

(iii) The bidder's professional experience.

(iv) The bidder's past performance.

(v) The bidder's insurance and bonding capacity.

(8) If each township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (6), the county road commission shall, within 15 days after the deadline for accepting bids, do all of the following:

(a) Based on the responsive and reasonable best value bidder process, determine which bids submitted are qualified and which bids submitted are not qualified.

(b) Clearly mark the bids, indicating which bids are qualified and which bids are not qualified.

(c) Transmit all of the bids received to each township board described in subsection (6) at least 30 days before awarding the contract to a qualified bidder.

(9) Subsections (6), (7), and (8) only apply to the following road projects:

(a) A road project involving unpaved roads with an estimated cost of more than \$25,000.00.

(b) A road project involving paved roads with an estimated cost of more than \$50,000.00.

(10) Notwithstanding any provision of law to the contrary, if 2 or more townships in combination with one another contribute 50% or more to the cost of a very low-volume local road project, the road project is located entirely within the jurisdiction of those townships, and the road project does not disrupt any multiple township contract, the work on that very low-volume local road project shall, at a minimum, comply with the standards adopted by the American Association of State Highway and Transportation Officials for very low-volume local road projects. A county road commission shall not impose construction and design standards on a very low-volume local road project that exceed the American Association of State Highway and Transportation Officials construction and design standards for very low-volume local road projects unless those standards are approved by the township board of each township described in this subsection. As used in this subsection, "very low-volume local road" means that term as defined by the American Association of State Highway and Transportation Officials in guidelines for geometric design of very low-volume local roads (ADT ≤ 400).

Enacting section 1. This amendatory act takes effect October 1, 2015.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4611 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 4611, referred to in enacting section 2, was filed with the Secretary of State November 10, 2015, and became 2015 PA 182, Imd. Eff. Nov. 10, 2015.