

HOUSE BILL No. 4610

May 14, 2015, Introduced by Reps. Aaron Miller, Cole, Leutheuser, Iden, Sheppard, Theis, Inman and Potvin and referred to the Committee on Roads and Economic Development.

A bill 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

1 TOWNSHIP CONTRACT, THE TOWNSHIP BOARD, BY RESOLUTION, MAY REQUIRE
2 THAT THE COUNTY ROAD COMMISSION CONTRACT FOR THE WORK ON THAT ROAD
3 PROJECT THROUGH COMPETITIVE BIDDING. A COUNTY ROAD COMMISSION IS
4 NOT PROHIBITED FROM SUBMITTING A COMPETITIVE BID UNDER THIS
5 SECTION.

6 (2) IF A TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION TO
7 CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING AS
8 PERMITTED UNDER SUBSECTION (1), THE COUNTY ROAD COMMISSION SHALL
9 USE THE RESPONSIVE AND REASONABLE BEST VALUE BIDDER PROCESS TO
10 COMPETITIVELY BID AND AWARD THE ROAD PROJECT CONTRACT TO A
11 RESPONSIVE AND REASONABLE BEST VALUE BIDDER. AS USED IN THIS
12 SUBSECTION, "RESPONSIVE AND REASONABLE BEST VALUE BIDDER" MEANS A
13 BIDDER WHO MEETS 1 OF THE FOLLOWING:

14 (A) COMPLIES WITH ALL BID SPECIFICATIONS AND REQUIREMENTS AND
15 IS LISTED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION AS A
16 QUALIFIED BIDDER FOR THE PARTICULAR TYPE OF ROAD PROJECT INVOLVED.

17 (B) COMPLIES WITH ALL BID SPECIFICATIONS AND REQUIREMENTS AND
18 IS DETERMINED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION OR THE
19 COUNTY ROAD COMMISSION TO BE RESPONSIBLE USING ALL OF THE FOLLOWING
20 CRITERIA:

21 (i) THE BIDDER'S FINANCIAL RESOURCES.

22 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.

23 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.

24 (iv) THE BIDDER'S PAST PERFORMANCE.

25 (v) THE BIDDER'S INSURANCE AND BONDING CAPACITY.

26 (3) IF A TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION TO
27 CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING AS

1 PERMITTED UNDER SUBSECTION (1), THE COUNTY ROAD COMMISSION SHALL,
2 WITHIN 15 DAYS AFTER THE DEADLINE FOR ACCEPTING BIDS, DO ALL OF THE
3 FOLLOWING:

4 (A) BASED ON THE RESPONSIVE AND REASONABLE BEST VALUE BIDDER
5 PROCESS, DETERMINE WHICH BIDS SUBMITTED ARE QUALIFIED AND WHICH
6 BIDS SUBMITTED ARE NOT QUALIFIED.

7 (B) CLEARLY MARK THE BIDS, INDICATING WHICH BIDS ARE QUALIFIED
8 AND WHICH BIDS ARE NOT QUALIFIED.

9 (C) TRANSMIT ALL OF THE BIDS RECEIVED TO THE TOWNSHIP BOARD
10 DESCRIBED IN SUBSECTION (1) AT LEAST 30 DAYS BEFORE AWARDING THE
11 CONTRACT TO A QUALIFIED BIDDER.

12 (4) SUBSECTIONS (1), (2), AND (3) ONLY APPLY TO THE FOLLOWING
13 ROAD PROJECTS:

14 (A) A ROAD PROJECT INVOLVING UNPAVED ROADS WITH AN ESTIMATED
15 COST OF MORE THAN \$25,000.00.

16 (B) A ROAD PROJECT INVOLVING PAVED ROADS WITH AN ESTIMATED
17 COST OF MORE THAN \$50,000.00.

18 (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY AND
19 SUBJECT TO SUBSECTION (10), IF A SINGLE TOWNSHIP CONTRIBUTES 50% OR
20 MORE TO THE COST OF A VERY LOW-VOLUME LOCAL ROAD PROJECT, THE ROAD
21 PROJECT IS LOCATED ENTIRELY WITHIN THE JURISDICTION OF THE
22 TOWNSHIP, AND THE ROAD PROJECT DOES NOT DISRUPT ANY MULTIPLE
23 TOWNSHIP CONTRACT, THE WORK ON THAT VERY LOW-VOLUME LOCAL ROAD
24 PROJECT SHALL, AT A MINIMUM, COMPLY WITH THE STANDARDS ADOPTED BY
25 THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION
26 OFFICIALS FOR VERY LOW-VOLUME LOCAL ROAD PROJECTS. A COUNTY ROAD
27 COMMISSION SHALL NOT IMPOSE CONSTRUCTION AND DESIGN STANDARDS ON A

1 VERY LOW-VOLUME LOCAL ROAD PROJECT THAT EXCEED THE AMERICAN
2 ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
3 CONSTRUCTION AND DESIGN STANDARDS FOR VERY LOW-VOLUME LOCAL ROAD
4 PROJECTS UNLESS THOSE STANDARDS ARE APPROVED BY THE TOWNSHIP BOARD
5 DESCRIBED IN THIS SUBSECTION. AS USED IN THIS SUBSECTION, "VERY
6 LOW-VOLUME LOCAL ROAD" MEANS THAT TERM AS DEFINED BY THE AMERICAN
7 ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS IN
8 GUIDELINES FOR GEOMETRIC DESIGN OF VERY LOW-VOLUME LOCAL ROADS (ADT
9 ≤ 400).

10 (6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY AND
11 SUBJECT TO SUBSECTION (9), IF 2 OR MORE TOWNSHIPS IN COMBINATION
12 WITH ONE ANOTHER CONTRIBUTE 50% OR MORE TO THE COST OF A ROAD
13 PROJECT, THE ROAD PROJECT IS LOCATED ENTIRELY WITHIN THE
14 JURISDICTION OF THOSE TOWNSHIPS, AND THE ROAD PROJECT DOES NOT
15 DISRUPT ANY MULTIPLE TOWNSHIP CONTRACT, THE TOWNSHIP BOARD OF EACH
16 OF THOSE TOWNSHIPS, BY RESOLUTION, MAY REQUIRE THAT THE COUNTY ROAD
17 COMMISSION CONTRACT FOR THE WORK ON THAT ROAD PROJECT THROUGH
18 COMPETITIVE BIDDING. COMPETITIVE BIDDING BY THE COUNTY ROAD
19 COMMISSION IS REQUIRED ON A ROAD PROJECT DESCRIBED IN THIS
20 SUBSECTION ONLY IF EACH TOWNSHIP BOARD DESCRIBED IN THIS SUBSECTION
21 PASSES A RESOLUTION REQUIRING THAT THE WORK BE AWARDED THROUGH
22 COMPETITIVE BIDDING. A COUNTY ROAD COMMISSION IS NOT PROHIBITED
23 FROM SUBMITTING A COMPETITIVE BID UNDER THIS SECTION.

24 (7) IF EACH TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION
25 TO CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING
26 AS PERMITTED UNDER SUBSECTION (6), THE COUNTY ROAD COMMISSION SHALL
27 USE THE RESPONSIVE AND REASONABLE BEST VALUE BIDDER PROCESS TO

1 COMPETITIVELY BID AND AWARD THE ROAD PROJECT CONTRACT TO A
2 RESPONSIVE AND REASONABLE BEST VALUE BIDDER. AS USED IN THIS
3 SUBSECTION, "RESPONSIVE AND REASONABLE BEST VALUE BIDDER" MEANS A
4 BIDDER WHO MEETS 1 OF THE FOLLOWING:

5 (A) COMPLIES WITH ALL BID SPECIFICATIONS AND REQUIREMENTS AND
6 IS LISTED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION AS A
7 QUALIFIED BIDDER FOR THE PARTICULAR TYPE OF ROAD PROJECT INVOLVED.

8 (B) COMPLIES WITH ALL BID SPECIFICATIONS AND REQUIREMENTS AND
9 IS DETERMINED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION OR THE
10 COUNTY ROAD COMMISSION TO BE RESPONSIBLE USING ALL OF THE FOLLOWING
11 CRITERIA:

12 (i) THE BIDDER'S FINANCIAL RESOURCES.

13 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.

14 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.

15 (iv) THE BIDDER'S PAST PERFORMANCE.

16 (v) THE BIDDER'S INSURANCE AND BONDING CAPACITY.

17 (8) IF EACH TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION
18 TO CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING
19 AS PERMITTED UNDER SUBSECTION (6), THE COUNTY ROAD COMMISSION
20 SHALL, WITHIN 15 DAYS AFTER THE DEADLINE FOR ACCEPTING BIDS, DO ALL
21 OF THE FOLLOWING:

22 (A) BASED ON THE RESPONSIVE AND REASONABLE BEST VALUE BIDDER
23 PROCESS, DETERMINE WHICH BIDS SUBMITTED ARE QUALIFIED AND WHICH
24 BIDS SUBMITTED ARE NOT QUALIFIED.

25 (B) CLEARLY MARK THE BIDS, INDICATING WHICH BIDS ARE QUALIFIED
26 AND WHICH BIDS ARE NOT QUALIFIED.

27 (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 EACH OF THE TOWNSHIP BOARDS 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 ($ADT \leq 400$).

1 Enacting section 1. This amendatory act takes effect October
2 1, 2015.