

# HOUSE BILL NO. 4967

September 12, 2019, Introduced by Reps. Mueller, Sneller, Bellino, Miller, O'Malley, Howell, Eisen, Meerman, Sheppard and Afendoulis and referred to the Committee on Transportation.

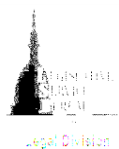
A bill to amend 1933 PA 170, entitled

"An act to regulate the practice of taking bids and awarding contracts on public work construction, maintenance or repair work, except public buildings, and to provide a means of prohibiting those not qualified by experience, financial resources or any other valid reason from undertaking such public construction work,"

by amending sections 1 and 3 (MCL 123.501 and 123.503).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 1. **(1)** Any officer, board, commission, committee or  
2   department of ~~the~~ **this** state, county, city, village, or township



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1 government authorized to receive bids for the construction,  
 2 maintenance, ~~and/or~~ **or** repair of public works, except public  
 3 buildings, may require that any person proposing to bid on ~~any such~~  
 4 **that** work, submit a sworn statement at least 10 days before bids  
 5 are opened on ~~such a~~ standard form and in ~~such the~~ detail and at  
 6 ~~such the~~ time as may be ~~deemed~~ **determined** necessary by ~~said that~~  
 7 officer, board, commission, committee, or department, setting forth  
 8 his **or her other** qualifications to satisfactorily carry out the  
 9 work to be performed within the time specified for ~~such~~ performance  
 10 **under the contract.** ~~Said The~~ qualifications may be judged by ~~said~~  
 11 **that** officer, board, commission, committee, or department upon the  
 12 basis of the proposed bidder's past performance on work of a  
 13 similar nature, his **or her** financial resources, and his **or her**  
 14 construction equipment and facilities which he **or she** proposes to  
 15 use on the work advertised for construction as disclosed by ~~such~~  
 16 **the** sworn statement and any other available information. ~~and Based~~  
 17 **on the sworn statement, the officer, board, commission, committee,**  
 18 **or department may make** a determination ~~made~~ whether or not the  
 19 proposed bidder is a suitable person to bid on the work. Any person  
 20 determined not to be a suitable person to bid on any proposed work  
 21 shall be notified in writing 5 days before bids are opened ~~of such~~  
 22 **for that** determination.

23 (2) The prequalification provisions of subsection (1) and  
 24 section 3 do not apply to contracts for any of the following  
 25 associated with road or highway construction within this state:

- 26 (a) Seeding.
- 27 (b) Sodding.
- 28 (c) Landscaping.
- 29 (d) Signage.

1           (3) The prequalification provisions of subsection (1) and  
2 section 3 apply as follows:

3           (a) Only to prime contractors if the amount of the contract is  
4 \$10,000,000.00 or less.

5           (b) To prime contractors and all other contractors involved  
6 with the project if the amount of the contract is more than  
7 \$10,000,000.00.

8           (4) As used in this section, "prime contractor" means the  
9 entity that holds the contract with the state, county, city,  
10 village, or township for the projects described in subsection (1).

11           ~~Sec. 3. It is further provided that when,~~ **Except as otherwise**  
12 **provided in section 1,** in the judgment of ~~such an~~ officer, board,  
13 commission, committee, or department **described in section 1,** ~~the~~  
14 ~~volume of work regularly advertised for construction would justify~~  
15 ~~such course,~~ **that the prequalification of bidders is necessary,**  
16 bidders on public work may be rated according to their experience,  
17 equipment, and resources and be furnished with proposals, plans,  
18 and specifications for only ~~such that~~ type and quantity of work as  
19 their qualifications as outlined in section 1 of this act would  
20 warrant.

