

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4251

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:

1

CHAPTER IV

2

SEC. 19C. (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

3

CONTRARY AND SUBJECT TO SUBSECTIONS (4) AND (6), IF A SINGLE

4

TOWNSHIP CONTRIBUTES 50% OR MORE TO THE COST OF A ROAD PROJECT, THE

1 ROAD PROJECT IS LOCATED ENTIRELY WITHIN THE JURISDICTION OF THE
2 TOWNSHIP, AND THE ROAD PROJECT DOES NOT DISRUPT ANY MULTIPLE
3 TOWNSHIP CONTRACT, THE TOWNSHIP BOARD, BY RESOLUTION, MAY REQUIRE
4 THAT THE COUNTY ROAD COMMISSION CONTRACT FOR THE WORK ON THAT ROAD
5 PROJECT THROUGH COMPETITIVE BIDDING. A COUNTY ROAD COMMISSION IS
6 NOT PROHIBITED FROM SUBMITTING A COMPETITIVE BID UNDER THIS
7 SECTION.

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

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

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

- 23 (i) THE BIDDER'S FINANCIAL RESOURCES.
24 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.
25 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.
26 (iv) THE BIDDER'S PAST PERFORMANCE.
27 (v) THE BIDDER'S INSURANCE AND BONDING CAPACITY.

1 (3) IF A TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION TO
2 CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING AS
3 PERMITTED UNDER SUBSECTION (1), THE COUNTY ROAD COMMISSION SHALL,
4 WITHIN 15 DAYS AFTER THE DEADLINE FOR ACCEPTING BIDS, DO ALL OF THE
5 FOLLOWING:

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

9 (B) CLEARLY MARK THE BIDS, INDICATING WHICH BIDS ARE QUALIFIED
10 AND WHICH BIDS ARE NOT QUALIFIED.

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

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

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

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

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

1 OFFICIALS FOR VERY LOW-VOLUME LOCAL ROAD PROJECTS. A COUNTY ROAD
2 COMMISSION SHALL NOT IMPOSE CONSTRUCTION AND DESIGN STANDARDS ON A
3 VERY LOW-VOLUME LOCAL ROAD PROJECT THAT EXCEED THE AMERICAN
4 ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
5 CONSTRUCTION AND DESIGN STANDARDS FOR VERY LOW-VOLUME LOCAL ROAD
6 PROJECTS UNLESS THOSE STANDARDS ARE APPROVED BY THE TOWNSHIP BOARD
7 DESCRIBED IN THIS SUBSECTION. AS USED IN THIS SUBSECTION, "VERY
8 LOW-VOLUME LOCAL ROAD" MEANS THAT TERM AS DEFINED BY THE AMERICAN
9 ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS IN
10 GUIDELINES FOR GEOMETRIC DESIGN OF VERY LOW-VOLUME LOCAL ROADS (ADT
11 \leq 400).

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

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

1 AS PERMITTED UNDER SUBSECTION (6), THE COUNTY ROAD COMMISSION SHALL
2 USE THE RESPONSIVE AND REASONABLE BEST VALUE BIDDER PROCESS TO
3 COMPETITIVELY BID AND AWARD THE ROAD PROJECT CONTRACT TO A
4 RESPONSIVE AND REASONABLE BEST VALUE BIDDER. AS USED IN THIS
5 SUBSECTION, "RESPONSIVE AND REASONABLE BEST VALUE BIDDER" MEANS A
6 BIDDER WHO MEETS 1 OF THE FOLLOWING:

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

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

14 (i) THE BIDDER'S FINANCIAL RESOURCES.

15 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.

16 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.

17 (iv) THE BIDDER'S PAST PERFORMANCE.

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

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

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

27 (B) CLEARLY MARK THE BIDS, INDICATING WHICH BIDS ARE QUALIFIED

1 AND WHICH BIDS ARE NOT QUALIFIED.

2 (C) TRANSMIT ALL OF THE BIDS RECEIVED TO EACH TOWNSHIP BOARD
3 DESCRIBED IN SUBSECTION (6) AT LEAST 30 DAYS BEFORE AWARDING THE
4 CONTRACT TO A QUALIFIED BIDDER.

5 (9) SUBSECTIONS (6), (7), AND (8) ONLY APPLY TO THE FOLLOWING
6 ROAD PROJECTS:

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

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

11 (10) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF
12 2 OR MORE TOWNSHIPS IN COMBINATION WITH ONE ANOTHER CONTRIBUTE 50%
13 OR MORE TO THE COST OF A VERY LOW-VOLUME LOCAL ROAD PROJECT, THE
14 ROAD PROJECT IS LOCATED ENTIRELY WITHIN THE JURISDICTION OF THOSE
15 TOWNSHIPS, AND THE ROAD PROJECT DOES NOT DISRUPT ANY MULTIPLE
16 TOWNSHIP CONTRACT, THE WORK ON THAT VERY LOW-VOLUME LOCAL ROAD
17 PROJECT SHALL, AT A MINIMUM, COMPLY WITH THE STANDARDS ADOPTED BY
18 THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION
19 OFFICIALS FOR VERY LOW-VOLUME LOCAL ROAD PROJECTS. A COUNTY ROAD
20 COMMISSION SHALL NOT IMPOSE CONSTRUCTION AND DESIGN STANDARDS ON A
21 VERY LOW-VOLUME LOCAL ROAD PROJECT THAT EXCEED THE AMERICAN
22 ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
23 CONSTRUCTION AND DESIGN STANDARDS FOR VERY LOW-VOLUME LOCAL ROAD
24 PROJECTS UNLESS THOSE STANDARDS ARE APPROVED BY EACH OF THE
25 TOWNSHIP BOARDS DESCRIBED IN THIS SUBSECTION. AS USED IN THIS
26 SUBSECTION, "VERY LOW-VOLUME LOCAL ROAD" MEANS THAT TERM AS DEFINED
27 BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION

1 OFFICIALS IN GUIDELINES FOR GEOMETRIC DESIGN OF VERY LOW-VOLUME
2 LOCAL ROADS (ADT \leq 400).

3 Enacting section 1. This amendatory act takes effect February
4 1, 2016.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Joint Resolution ____ or House Joint Resolution ____
7 UU of the 97th Legislature becomes a part of
8 the state constitution of 1963 as provided in section 1 of article
9 XII of the state constitution of 1963.