

**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

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ROAD PROJECT IS LOCATED ENTIRELY WITHIN THE JURISDICTION OF THE

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

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

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

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

22 (i) THE BIDDER'S FINANCIAL RESOURCES.

23 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.

24 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.

25 (iv) THE BIDDER'S PAST PERFORMANCE.

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

27 (3) IF A TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION TO

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

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

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

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

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

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

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

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

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

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

25 (7) IF EACH TOWNSHIP BOARD REQUIRES A COUNTY ROAD COMMISSION
26 TO CONTRACT FOR WORK ON A ROAD PROJECT THROUGH COMPETITIVE BIDDING
27 AS PERMITTED UNDER SUBSECTION (6), THE COUNTY ROAD COMMISSION SHALL

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

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

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

13 (i) THE BIDDER'S FINANCIAL RESOURCES.

14 (ii) THE BIDDER'S TECHNICAL CAPABILITIES.

15 (iii) THE BIDDER'S PROFESSIONAL EXPERIENCE.

16 (iv) THE BIDDER'S PAST PERFORMANCE.

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

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

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

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

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

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

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

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

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

1 **LOCAL ROADS (ADT $\leq$ 400) .**

2 Enacting section 1. This amendatory act does not take effect
3 unless House Bill No. 5477 of the 97th Legislature is enacted into
4 law.