

SENATE BILL No. 116

January 30, 2007, Introduced by Senators GILBERT, KUIPERS, BIRKHOLZ and PAPPAGEORGE and referred to the Committee on Transportation.

A bill to amend 1951 PA 51, entitled

"An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize

contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,"

by amending section 11c (MCL 247.661c), as amended by 2002 PA 498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11c. (1) ~~All~~ **EXCEPT AS PROVIDED IN SUBSECTION (2)**, ALL
 2 federal aid construction projects, all other projects of the
 3 department concerning highways, streets, roads, and bridges, whose
 4 cost exceeds \$100,000.00 for construction or preservation as
 5 defined in section 10c, shall be performed by contract awarded by
 6 competitive bidding unless the department shall affirmatively find
 7 that under the circumstances relating to those projects, some other
 8 method is in the public interest. All of those findings shall be
 9 reported to the state transportation commission 90 days before work
 10 is commenced and promptly in writing to the appropriations
 11 committees of the senate and house of representatives. However,
 12 **EXCEPT AS PROVIDED IN SUBSECTION (2)**, in a case in which the
 13 department determines emergency action is required, the reports
 14 need not be filed before work is commenced but shall be promptly
 15 filed. Local road agencies that make a decision not to perform

1 construction or preservation projects exceeding \$100,000.00 shall
2 contract for this work through competitive bidding.

3 (2) BEGINNING JANUARY 1, 2008, ALL FEDERAL AID CONSTRUCTION
4 PROJECTS, ALL OTHER PROJECTS OF THE DEPARTMENT CONCERNING HIGHWAYS,
5 STREETS, ROADS, AND BRIDGES, WHOSE COST EXCEEDS \$5,000,000.00 FOR
6 CONSTRUCTION OR PRESERVATION AS DEFINED IN SECTION 10C, SHALL BE
7 PERFORMED BY DESIGN-BUILD CONTRACT WITH A PRIVATE ENTITY AWARDED BY
8 COMPETITIVE BIDDING.

9 (3) AS USED IN THIS SECTION, "DESIGN-BUILD" MEANS A
10 PROCUREMENT PROCESS IN WHICH BOTH THE DESIGN AND CONSTRUCTION OF A
11 PROJECT ARE PROCURED FROM A SINGLE ENTITY.