

STATE TRUNK LINE HIGHWAY SYSTEM (EXCERPT)
Act 51 of 1951

***** 247.661c.amended THIS AMENDED SECTION IS EFFECTIVE IF THE CONDITION IN ENACTING
SECTION 1 OF ACT 471 OF 2014 IS MET *****

247.661c.amended Construction and preservation projects to be performed by contract awarded by competitive bidding; other method; findings; report; development and implementation of performance-based maintenance system and performance rating system; development and implementation of performance-based preventative maintenance system; results and findings on outcomes of preventative maintenance services and contracting process and performance on all contracts; report to director and legislative committees; definitions.

Sec. 11c. (1) All construction projects of the department concerning highways, streets, roads, and bridges, whose cost exceeds \$100,000.00 for construction or preservation as defined in section 10c, shall be performed by contract awarded by competitive bidding unless the department affirmatively finds that under the circumstances relating to those projects, some other method is in the public interest. The director of the department shall report his or her findings to the state transportation commission 90 days before work is commenced and promptly in writing to the appropriations committees of the senate and house of representatives. However, in a case in which the department determines emergency action is required, the reports need not be filed before a contract is awarded but shall be promptly filed.

(2) All construction projects of a local road agency whose costs exceed \$100,000.00 for construction or preservation, excluding maintenance, shall be performed by contract awarded by competitive bidding unless the local road agency affirmatively finds that under the circumstances relating to those projects, some other method is in the public interest. Installation or upgrading of advanced traffic management and signals is exempt from this subsection. A county road commission shall report its findings before work is commenced in writing to the county board of commissioners of that county. A city or village shall report its findings before work is commenced in writing to the governing elected body of that city or village.

(3) The department shall develop and implement a performance-based maintenance system to improve efficiencies and outcomes in the performance of maintenance services on state trunk line highways.

(4) No later than February 1, 2016, the department shall develop and implement a performance rating system for the maintenance services performed on all highways, streets, and roads under its jurisdiction. The performance rating system shall provide for the collection of data on all maintenance activities, including the quantities and locations of activities performed and the costs associated with those activities.

(5) Beginning October 1, 2016, a minimum of 20% of all funds expended by the department for maintenance services shall be based on performance outputs or outcomes associated with the performance rating system required under subsection (4).

(6) The director of the department shall report results and findings on the outcomes of state trunk line highway maintenance services, the contracting process, and contract performance for all contracts entered into under this section no later than June 1, 2017, and on December 1 of each subsequent year to the appropriations committees of the senate and house of representatives.

(7) A local road agency that received at least \$20,000,000.00 in funding from the Michigan transportation fund in fiscal year 2013 shall develop, in conjunction with the transportation asset management council and the department, and implement a performance-based preventative maintenance system to improve efficiencies and outcomes in the performance of preventative maintenance services on all highways, streets, and roads under its jurisdiction.

(8) No later than February 1, 2017, a local road agency described in subsection (7) shall develop and implement a performance rating system for the preventative maintenance services performed on all highways, streets, and roads under its jurisdiction. The performance rating system shall provide for the collection of data on all preventative maintenance activities, including the quantities and locations of activities performed and the costs associated with those activities.

(9) Beginning October 1, 2017, a minimum of 20% of all funds expended by a local road agency described in subsection (7) for preventative maintenance services shall be based on performance outputs or outcomes associated with the performance rating system required under subsection (8).

(10) The chief executive of each local road agency required to competitively bid under this section shall report results and findings on the outcomes of preventative maintenance services performed on all highways, streets, and roads under the jurisdiction of that local road agency, the contracting process, and contract performance for all contracts entered into under this section no later than June 1, 2018, and on June 1 of each

subsequent year to the director of the department and to the appropriations committees of the senate and house of representatives.

(11) As used in this section:

(a) "Local road agency" means that term as defined in section 9a.

(b) "Maintenance services" means routine and reactive maintenance activities undertaken to ensure the normal and safe operation of a highway, street, or road, including activities performed on an appurtenance or roadside feature associated with a highway, street, or road that is necessary for the safe operation of the appurtenance or roadside feature. Maintenance services do not include a construction activity that is intended to significantly repair, resurface, rehabilitate, or reconstruct a highway, street, or road, or an appurtenance or roadside feature associated with a highway, street, or road.

History: Add. 1982, Act 438, Eff. Jan. 1, 1983;—Am. 1993, Act 294, Imd. Eff. Dec. 28, 1993;—Am. 1997, Act 79, Eff. July 28, 1997;—Am. 2002, Act 498, Imd. Eff. July 3, 2002;—Am. 2014, Act 471, Eff. (pending).

Compiler's note: Enacting section 1 of Act 471 of 2014 provides:

"Enacting section 1. This amendatory act does not take effect unless House Joint Resolution UU of the 97th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: McNitt Act

Popular name: Michigan Transportation Fund Act