

# SENATE BILL No. 157

February 14, 2017, Introduced by Senators JONES, ANANICH, MARLEAU, ROBERTSON, COLBECK, HILDENBRAND, HORN, CONYERS, STAMAS, MACGREGOR, O'BRIEN, SHIRKEY, BIEDA, GREEN, SCHUITMAKER, KNEZEK and SCHMIDT and referred to the Committee on Michigan Competitiveness.

A bill to require contracts for certain public works projects to have certain provisions; to require competition for the use or supply of certain materials and products on certain public works projects; to impose certain conditions and provide for certain exemptions; and to impose certain powers and duties on certain public entities and certain state and local officials.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "public works quality materials procurement act".

3           Sec. 2. As used in this act:

4           (a) "Pipe and piping materials" means pipes and piping  
5 materials used to transport drinking water and wastewater.

6           (b) "Public entity" means this state or an agency or authority  
7 of this state, school district, community college district,

1 intermediate school district, city, village, township, county,  
2 public authority, or public airport authority.

3 (c) "Public funds" includes legislative appropriations and  
4 local or state tax revenue.

5 (d) "Public works project" means a water supply project or a  
6 wastewater project.

7 (e) "Wastewater project" means sewers, pipe and piping  
8 materials, interceptors or waste treatment facilities, and  
9 facilities for the collection and disposal of liquid and solid  
10 waste.

11 (f) "Water supply project" means pipe and piping materials,  
12 lines, and other facilities needed for the pumping, treatment, and  
13 distribution of drinking water.

14 Sec. 3. (1) A public entity shall not enter into a contract  
15 involving a public works project that is financed in whole or in  
16 part by public funds unless, except as otherwise provided in  
17 subsection (3), the pipe and piping materials to be used for the  
18 public works project meet or exceed the recognized standards for  
19 pipe and piping materials on similar projects as determined by the  
20 American Society for Testing and Materials or the American Water  
21 Works Association and that are in effect on the effective date of  
22 this act and meet the performance specifications for the public  
23 works project.

24 (2) Notwithstanding any other law, charter provision, or  
25 ordinance to the contrary, if pipe and piping materials meet or  
26 exceed the recognized standards for pipe and piping materials on  
27 similar projects as determined by the American Society for Testing

1 and Materials or the American Water Works Association, then a  
2 public entity shall not exclude that pipe and piping materials when  
3 soliciting bids for a public works project.

4 (3) Subsection (1) does not limit the professional judgment of  
5 the project's engineer to select any acceptable pipe and piping  
6 materials that meet the requirements of the public works project.