



County Road Association
OF MICHIGAN

417 SEYMOUR AVE., STE. 1, LANSING, MI 48933-1143

September 28, 2018

Dear Managing Director,

As part of the Transportation Funding Package of 2015, the Michigan Legislature created a requirement (MCL 247.662, 247.663) that each local road agency in Michigan adopt a Local Pavement Warranty Program acceptable to the Michigan Department of Transportation (MDOT).

The resulting **Michigan Local Agency Pavement Warranty Program** (*enclosed*) is the statewide accepted format that local agencies can use for hot mix asphalt (HMA) and plain jointed concrete paving projects on public roads and streets, if they opt to utilize a warranty on a particular project. ***This Warranty Program must be adopted by every county road agency, and every agency must consider a warranty on each project utilizing any state or federal funding that also includes \$2 million or more in paving-related components. Agencies must annually report on projects with \$2 million or more in paving-related items, regardless of whether they implemented a warranty or not.***

The overall goal of the Michigan Local Pavement Warranty Program is to have one standardized method for applying pavement warranties on local agency projects, which provides a consistent, quantifiable and transparent program that pavement contractors can recognize and implement. This Program was developed for use by rural, mid-size, urban and large urban road agencies.

Program Components.

The Local Pavement Warranty Program, as approved by MDOT, consists of the enclosed documents:

- Special Provisions (Boilerplate, Concrete, HMA, Location and a Pass-Through Warranty Bond)
- Warranty Bond Form and Contract Form
- Guidelines for Local Agency Pavement Warranty Program

The Program was developed over the last 30 months by the Local Agency Pavement Warranty Task Force including representatives of the County Road Association, Michigan Municipal League, MDOT, Federal Highway Administration-Michigan, Michigan's Local Technical Assistance Program (LTAP) and municipal road agencies, and legal counsels. The Program includes input from industry representatives to assure that the contractors' perspectives were considered.

While CRA has enclosed "final" documents from the Task Force that included MDOT and FHWA, it is still possible that minor tweaks in the documents may be required by one of these agencies. CRA will keep you informed.

Timeline for Warranty Policy Adoption.

As CRA has described on many occasions, the Local Pavement Warranty Program was developed by the Task Force for all local road agencies **and this program must be adopted by your county road agency on or before September 18, 2019.**

Future Warranty Education Programs.

The Warranty Task Force has just obtained a FHWA grant of \$74,000, which its Education Subcommittee will use to work with the Michigan Local Technical Assistance Program (LTAP) to conduct education and training sessions. Training will be designed for elected/appointed officials, administrators, as well as managers/directors, engineers and engineering technicians in both on-site sessions and on-line webinars during 2019. CRA will work with LTAP to publicize these sessions.

Next Steps for the Road Agency.

To adopt the Pavement Warranty Program, each county road agency should take two separate legal actions at the board level. First, a **Resolution to Adopt a Local Pavement Warranty Program** (*sample template enclosed*) is needed to adopt the Local Agency Pavement Warranty Program and its accompanying documents. Second, a **Resolution to Implement a Local Pavement Warranty Program** (*sample template enclosed*) that defines the agency's intent to apply the warranty program consistent with the Local Agency Pavement Warranty Guidelines and report annually on each project that includes \$2 million or more in paving-related components *and* includes any state or federal funds.

The goals of the Local Agency Pavement Warranty Program are to meet the legislative mandate to implement it, as well as to standardize review and oversight of pavement warranty projects, and to have a program that is transparent and uniform for private-sector contractors.

If you have any questions about the Local Pavement Warranty Program, please contact Denise Donohue or Steve Puuri at CRA offices at (517) 482-1189. Or email spuuri@micountyroads.org.

Sincerely,



Denise Donohue, CAE, APR
Director
County Road Association of Michigan