

SHIAWASSEE COUNTY DRAIN COMMISSIONER

ORDER ADOPTING PREQUALIFICATION CRITERIA FOR DRAIN MAINTENANCE PROJECTS

WHEREAS, effective March 24, 2021, Section 221(2)(b) of the Michigan Drain Code, Public Act 40 of 1956, as amended (“Drain Code”), authorizes the Shiawassee County Drain Commissioner (“Drain Commissioner”) to utilize certain prequalified contractors to perform nonpetitioned maintenance work under MCL 280.196 without advertising for sealed bids; and

WHEREAS, in order to utilize prequalified contractors, the Drain Commissioner must maintain a list of prequalified contractors that is fully accessible to the public; and

WHEREAS, the Drain Commissioner must adopt certain prequalification criteria to determine whether a contractor is a prequalified contractor; and

WHEREAS, the prequalification criteria must also be fully accessible to the public.

THEREFORE, BE IT ORDERED by the Drain Commissioner that the following prequalification criteria are hereby adopted:

- (1) **Satisfactory completion of Shiawassee County drain project.** Prequalified contractors shall have, within the preceding ten (10) years, completed a drain project within Shiawassee County and to the Drain Commissioner’s satisfaction, or shall submit references upon request.
- (2) **Compliance with Soil Erosion and Sedimentation Control (SESC) requirements.** Prequalified contractors shall be willing and able to comply with all permit requirements issued by the Shiawassee County Health Department.
- (3) **Liability Insurance.** Prequalified contractors performing construction activities shall maintain liability insurance in the amount of at least One Million (\$1,000,000) Dollars per occurrence covering any maintenance work performed. The insurance must be written by a company rated by A.M. Best Company requiring an “A-“ or better rating.
- (4) **Workers Compensation.** Prequalified contractors with more than one (1) employee shall provide proof of workers compensation insurance or exemption upon request.
- (5) This Order does not prohibit the Shiawassee County Drain Commissioner from bidding drain maintenance projects.

- (6) This Order does not guarantee an award of a drain maintenance project to a prequalified contractor.
- (7) This Order does not apply to emergency conditions under Section 196(8).
- (8) This Order is applicable to county drains under the jurisdiction of the Shiawassee County Drain Commissioner and does not apply to intercounty drain maintenance projects.
- (9) The Shiawassee County Drain Commissioner has sole discretion to remove a contractor from the prequalified contractor list due to poor performance or failure to timely perform a drain project.

BE IT FURTHER ORDERED, that this Order Adopting Prequalification Criteria for Drain Maintenance Projects shall be available upon request and shall be posted and maintained on the Drain Commissioner's website.

//signed//
Anthony Newman
Shiawassee County Drain Commissioner