Local Agency Pavement Warranty Program
Frequently asked Questions

1. Do we need to adopt a Local Agency Warranty Program?

Yes, every local road agency is required to adopt a warranty program according to MCL 247.662 & 247.663. This was part of the 2015 road funding package.

2. Is there an approved Local Agency Warranty program I can use?

Yes. There is a statewide local agency warranty program that will fit the needs of all local agencies, both the counties and the cities & villages. This program was put together by a Task Force comprised of representatives from CRA, MML, MDOT, and FHWA. After 2½ years with input from MDOT, FHWA, and Industry, our final warranty program was approved by MDOT and FHWA.

3. How do I adopt the approved warranty program?

Model resolutions have been created for local agencies to adopt the local agency warranty program. The model resolutions are available:

- Counties http://Tinyurl.com/pavementwarranties
- City & villages http://www.mml.org/advocacy/pavement-warranty/index.html

4. Can I develop my own Warranty Program that fits my agency's needs?

No, according to MCL 247.662 & 247.663 if a local agency wanted to create their own warranty program, they had to notify MDOT by April 1, 2016 if a county, or February 1, 2017 if a city or village.

5. Can I modify the Local Agency Warranty program to better fit my projects?

No, MCL 247.662 & 247.663 provided an opportunity for local agencies to develop their own warranty program if MDOT was notified by March 1, 2016 for counties and February 1, 2017 by City and Villages. The Task Force which created the local agency warranty program put a lot of thought into making sure this warranty program would work for both the CRA and MML members.

6. What do I do with the resolutions once adopted?

As your agency adopts the local agency resolution, please keep it on file in the event MDOT requests verification that your agency has adopted the local warranty program as required in Public Act 51.

7. Do all projects need warranties?

No, only Local agency projects when the pavement related items total $2 million or more are required to have a warranty or the local agency must report that no warranty was used and justify that report according to MCL 247.662 & 247.663. The pavement-related cost for a hot mixed asphalt pavement warranty project include: the pavement, curb, shoulders, aggregate base, subbase and underdrain pay items. The pavement-related cost for concrete pavements include: pavement, curb, shoulders, joint sealing, dowel bars, load transfer devices, aggregate base, subbase and underdrain.

8. Do I have to put warranties on my locally funded projects?

No, if the project is 100% funded from local sources, no need for a pavement warranty unless the agency wants to. However, if the project includes any state or federal dollars, and/or the monthly MTF distribution, and/or any in kind services funded by the MTF and the pavement related items total more than $2 million, then warranty reporting will be required

9. How long is the warranty period?

For asphalt projects, the warranty terms vary from 1 to 5 years depending on type of the work performed. For concrete pavements the warranty term is 5 years.

10. Is all project work warranted under the local agency warranty program?

No, just the asphalt and/or concrete pavements are warranted. No other work items are covered under the Local Agency Warranty program requirements.

11. Will a pavement warranty project be in a like new condition at the end of the warranty period?

No, the warranty specifications allow for a limited number of minor defects in the pavement as would be expected as a pavement ages. However, if the defects are found during the warranty period that exceed established thresholds; the contractor would be required to perform corrective actions according to the warranty special provisions. Also, if the contractor and Engineer disagree about the defects or corrective action, the warranty special provisions provide a dispute resolution process.

12. Does the construction contract on a project with a warranty need to stay open for the entire warranty term?

No, once the initial construction is complete and accepted, the construction contract will be closed, and the construction performance bond is released. When the pavement is completed (opened to traffic) the warranty contract starts. The local agency warranty program relies on this warranty contract for administering the warranty provisions.

13. How do we learn more about the local agency warranty program?

Later this spring or summer, LTAP will be conducting warranty training sessions for Road Commissioners, City and Village Council members and decision makers. Also, there will be training sessions for the project development and construction administration staff, these training programs will focus on the details of implementing a pavement warranty project.