

Assembly Bill 137

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Chapter 584

AN ACT to amend 35.46 (1), 35.48, 35.50 and 35.77 of the statutes, relating to security required in state printing bids and contracts.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 35.46 (1) of the statutes is amended to read:

35.46 (1) Every such bid shall be in writing, enclosed in a sealed envelope, having endorsed thereon "Proposals for State Printing"; and shall be filed in the office of the director on or before the time specified in the advertisement therefor as the day when the bids will be opened. The bid shall specify the class or classes of printing for which it is made and the per cent of discount off from or the per cent above base prices (which shall be uniform for every item) at which the bidder proposes to do the work; shall be accompanied by a certificate of the state treasurer showing that the bidder has deposited with such treasurer \$1,000 in money, United States bonds or certified check, subject to the provisions of this chapter; shall be accompanied by a provisional agreement under seal, executed by the bidder to the effect that if such bid is accepted, and if he fails to enter into a printing contract and execute a bond within the time and conditioned as required by law then such deposit shall become absolutely the property of the state; and . The bid shall be further accompanied by a bond, executed by a surety company duly authorized to do business in this state, in the sum of \$5,000, to the effect that it guarantees the bidder will, if his bid is accepted, execute the contract and bond required by law within the time prescribed by the director.

SECTION 2. 35.48 of the statutes is amended to read:

35.48 No bid shall be considered that does not fully comply with the requirements of s. 35.46; and if a bid is rejected for any reason the certificate of the state treasurer, the bidder's provisional agreement and deposit the bid bond shall be returned to him the bidder. With every accepted bid the accompanying provisional agreement, certificate and

money, bonds or certified check *bid bond* shall be retained until the bidder has entered into the printing contract, and furnished the bond, required of him by s. 35.49. Upon execution of such contract and the furnishing of such bond the ~~provisional agreement and deposit~~ *bid bond* shall be returned to him.

SECTION 3. 35.50 of the statutes is amended to read:

35.50 If a successful bidder fails to enter into a printing contract and execute a bond as required by this chapter the \$1,000 deposited by him with the treasurer shall at once become the property of the state, and there shall be forfeited to the state the amount of the penalty named in the guaranty accompanying his provisional agreement ~~the bid bond shall be forfeited to the state~~. If such bidder or contractor enters upon the performance of his printing contract, and thereafter at any time during the term thereof refuses or neglects to comply with its terms and conditions or with the law relating to public printing, he shall be liable to the state in damages to the amount of the difference between the cost of public printing under his printing contract and the cost thereof under any subsequent ~~contract~~ or contracts let by the director. It is the duty of the attorney general, in all cases of damages and of forfeitures arising under this chapter, to commence and prosecute to final judgment all necessary actions for the recovery thereof with costs, which when collected shall be paid into the state treasury.

SECTION 4. 35.77 of the statutes is amended to read:

35.77 BID BOND; CONTENT OF BID. Each bidder shall deposit with the state treasurer before filing his proposal the sum of \$1,000, to be forfeited to the state in case he shall not make a contract according to the terms of his proposal, if accepted, and according to the requirements of this chapter, take a receipt therefor from said treasurer, stating the aforesaid conditions of the deposit, and deliver the same to the director with his proposal *Each bid shall be accompanied by a bond, executed by a surety company authorized to do business in this state, in the sum of \$2,000, to the effect that it guarantees bidder will, if his bid is accepted, execute contract and bond required by law within the time prescribed by the director*. Each proposal shall specify the price per volume at which the volumes to be published during the contract period will be sold to the state and to residents of this state which bid price shall not exceed the maximum specified by the director.

Approved June 24, 1966.

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