

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/27/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3013**

By/Representing: **Runde**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
Counties**

Extra Copies:

Pre Topic:

LFB:.....Runde -

Topic:

Local public works contracts, raise bidding threshold

Instructions:

See Attached. Based on 1999 LRB b0699/2, without design/build stuff. Also changes some of the bidding threshold amounts

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 09/28/1999	gilfokm 09/28/1999		_____			
/1			mclark 09/28/1999	_____	lrb_docadmin 09/29/1999		
/2	shoveme 09/30/1999	gilfokm 09/30/1999	martykr 09/30/1999	_____	lrb_docadmin 09/30/1999		
/3	shoveme 10/01/1999	gilfokm 10/01/1999	mclark 10/01/1999	_____	lrb_docadmin 10/01/1999		

FE Sent For:

<END>

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/2	shoveme 09/30/1999	gilfokm 09/30/1999	martykr 09/30/1999	_____	lrb_docadmin 09/30/1999		

13 MES 10/1/99-10-1-99
FE Sent For: [Signature]

mrc mrc / km
10/1 10/1
<END>

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/?	shoveme 09/28/1999	gilfokm 09/28/1999					
/1		1/2 kmg 9/30	mclark 09/28/1999		lrb_docadmin 09/29/1999		

(2 MES 9/30/98 km 9/30 KB 9/30
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1/?	shoveme	1-9-28-99 Kmg	9-28 MRC	MRC/JF 9-28			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1838/
MES...kg...

R MNR

LFB:.....Runde - Local public works contracts, raise bidding threshold

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

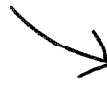
TO 1999 ASSEMBLY BILL 133

Jolley

D-note

1 At the locations indicated, amend the substitute amendment as follows:

2 (END)
M



D-note

The exemption for donated materials did not appear in (b) 0699/2, the amendment on which this amendment is based, but I added it in this amendment. Is this OK? Also, I raised the bidding threshold for MMSD from \$7,500 to \$15,000, not \$25,000. Is this OK?

M Z L

ARC:.....Tompach - Am. #16, Local governments may use design-build construction process, raise competitive bid threshold

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 ~~At the locations indicated, amend the substitute amendment as follows:~~

2 ✓ 1. Page 761, line 21: after that line insert:

3 "SECTION 1577p. 59.52 (29) (a) of the statutes is amended to read:

4 *plain* 59.52 (29) (a) ~~All Except as provided in par. (a) 2. All~~ public work, including any

5 contract for the construction, repair, remodeling or improvement of any public work,

6 building, or furnishing of supplies or material of any kind where the estimated cost

7 of such work will exceed \$20,000 ^{\$25,000} ~~(\$30,000)~~ shall be let by contract to the lowest

8 responsible bidder. Any public work, the estimated cost of which does not exceed

9 \$20,000 ^{\$25,000} ~~(\$30,000)~~, shall be let as the board may direct. If the estimated cost of any

10 public work is between \$5,000 and \$20,000 ^{\$25,000} ~~(\$30,000)~~, the board shall give a class 1

This subsection does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers.

1 notice under ch. 985 before it contracts for the work or shall contract with a person
2 qualified as a bidder under s. 66.29 (2). A contract, the estimated cost of which
3 exceeds \$20,000 ~~\$30,000~~ ^{25,000}, shall be let and entered into under s. 66.29, except that the
4 board may by a three-fourths vote of all the members entitled to a seat provide that
5 any class of public work or any part thereof may be done directly by the county
6 without submitting the same for bids. This subsection does not apply to highway
7 contracts which the county highway committee or the county highway commissioner
8 is authorized by law to let or make. //

9 SECTION 1577q. 59.52 (29) (c) to (e) of the statutes are created to read:

10 59.52 (29) (c) 1. In this paragraph, "design-build construction process" means
11 a procurement process under which the engineering, design and construction
12 services are provided by a single entity.

13 2. Any public works contract described in par. (a), the estimated cost of which
14 exceeds \$500,000, may be let using the design-build construction process.

15 (d) If a county wishes to construct a public work using the design-build
16 construction process, the county shall use a selection process that contains the
17 following procedures:

18 1. The county shall issue a request for proposals from design-build teams by
19 publishing a class 1 notice under ch. 985. The notice shall include a project statement
20 that describes the space needs and design goals for the project, detailed submission
21 requirements, selection procedures, site information, an outline of specifications for
22 the project, a budget for the project, a project schedule, the composition of the
23 selection panel and the approximate amount of the bond that the county will require
24 under par. (e).

1 2. Following receipt of the proposals, the county shall select 5 or less
2 design-build teams to participate in the final stage of the selection process. The
3 selection of teams under this subdivision shall be based on factors that include the
4 background, experience and qualifications of the members of the teams; the financial
5 strength and surety capacity of the teams; the quality of the initial proposal; and the
6 past performance and current workload of the teams. The county selection panel
7 that selects the teams under this subdivision for the final selection process under
8 subd. 3. may include design and construction professionals who work for the county
9 or are hired by the county to assist in the selection, members of the county board and
10 representatives from the county entity that will use the facility that is to be
11 constructed under the selection process described in this paragraph.

12 3. The county shall make a final selection from among the teams selected under
13 subd. 2. if the county determines that at least one of the teams selected as a finalist
14 under subd. 2. will be able to construct the public work in a way that is satisfactory
15 to the county. The final selection shall be made following interviews and
16 presentations from the finalists, based on criteria that are published as a class 1
17 notice under ch. 985. The notice shall state the weight that is given to each criterion.
18 The criteria to be used in making a final selection under this subdivision may include
19 the quality of the proposed design, the construction approach to be used to complete
20 the project, the extent to which a proposal demonstrates compliance with the project
21 statement described under subd. 1., the proposed management plan for the project,
22 the estimated cost of the project and a guaranteed maximum price for the project.

23 (e) If the county selects a design-build team under par. (d) 3. and enters into
24 a contract for the construction of the project, the design-build team shall obtain

1 bonding, in an amount specified by the county, to guarantee completion of the project
2 according to the terms of the contract.”

3 **2.** Page 763, line 23: after that line insert:

4 **“SECTION 1580n.** 60.47 (2) (a) of the statutes is amended to read:

5 60.47 (2) (a) No town may enter into a public contract with an estimated cost
6 of more than \$5,000 but not more than \$10,000 ^{✓ 15,000} ~~\$30,000~~ unless the town board, or a
7 town official or employe designated by the town board, gives a class 1 notice under
8 ch. 985 before execution of that public contract.

9 **SECTION 1580nc.** 60.47 (2) (b) of the statutes is amended to read:

10 60.47 (2) (b) No town may enter into a public contract with a value of more than
11 \$10,000 ^{✓ 15,000} ~~\$30,000~~ unless the town board, or a town official or employe designated by
12 the town board, advertises for proposals to perform the terms of the public contract
13 by publishing a class 2 notice under ch. 985. The town board may provide for
14 additional means of advertising for bids.

15 ~~**SECTION 1580nf.** 60.47 (2m) of the statutes is created to read:~~

16 ~~60.47 (2m) DESIGN-BUILD CONTRACTS. Any public contract under sub. (2), the
17 estimated cost of which exceeds \$500,000, may be let using the design-build
18 construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),
19 as it applies to counties, applies to towns.~~

20 **SECTION 1580ng.** 60.47 (3) of the statutes is amended to read:

21 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The Except as provided in
22 sub. (2m), the town board shall let a public contract for which advertising for
23 proposals is required under sub. (2) (b) to the lowest responsible bidder. Section
24 66.29 applies to public contracts let under sub. (2) (b).

1 SECTION 1580ni. 60.47 (5) of the statutes is amended to read:

2 60.47 (5) EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR. This
3 section is optional with respect to public contracts for the repair and construction of
4 public facilities when damage or threatened damage to the facility creates an
5 emergency, as declared by resolution of the town board, that endangers the public
6 health or welfare of the town. This subsection no longer applies when the town board
7 declares that the emergency no longer exists. This section is optional with respect
8 to a public contract if the materials related to the contract are donated or if the labor
9 that is necessary to execute the public contract is provided by volunteers.”.

10 3. Page 764, line 25: after that line insert:

11 SECTION 1585Lm. 61.55 (title) of the statutes is amended to read: (B)
12 61.55 ~~title~~ Contracts involving over \$10,000 ^{15,000} ~~\$30,000~~; how let;
13 exception: ~~design, build~~

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component

14 SECTION 1585m. 61.55 of the statutes is ~~(renumbered 61.55 (1) and~~ amended
15 to read: (plain)

16 ~~61.55 (1)~~ All ~~Exceptions provided in sub. (2)~~ contracts for public construction,
17 in any such village, exceeding \$10,000 ^{15,000} ~~\$30,000~~ shall be let by the village board to
18 the lowest responsible bidder in accordance with s. 66.29 insofar as said section may
19 be applicable. If the estimated cost of any public construction exceeds \$5,000, but
20 is not greater than \$10,000 ~~\$30,000~~, the village board shall give a class 1 notice,
21 under ch. 985, of the proposed construction before the contract for the construction
22 is executed. This provision does not apply to public construction if the materials for
23 such a project are donated or if the labor for such a project is provided by volunteers,
24 and this provision and s. 281.41 are not mandatory for the repair and reconstruction

1 of public facilities when damage or threatened damage thereto creates an emergency,
2 as determined by resolution of the village board, in which the public health or welfare
3 of the village is endangered. Whenever the village board by majority vote at a regular
4 or special meeting declares that an emergency no longer exists, this exemption no
5 longer applies.

6 ~~SECTION 1585mc. 61.55 (2) of the statutes is created to read:~~

7 61.55 (2) Any contract for public construction under sub. (1), the estimated cost
8 of which exceeds \$500,000, may be let using the design-build construction process,
9 as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e), as it applies to counties,
10 applies to villages.

11 ~~SECTION 1587s. 62.03 (1) of the statutes is amended to read:~~

12 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j)
13 and (k), ~~62.15 (1m) (b)~~, 62.175 and 62.23 (7) (em) and (he), does not apply to 1st class
14 cities under special charter.

15 SECTION 1588c. 62.15 (1) of the statutes is amended to read:

16 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All

17 ~~Except as provided in sub. (1m), all~~ public construction, the estimated cost of which
18 exceeds \$10,000 ^{15,000} ~~\$30,000~~ shall be let by contract to the lowest responsible bidder; all
19 other public construction shall be let as the council may direct. If the estimated cost
20 of any public construction exceeds \$5,000 but is not greater than \$10,000 ^{15,000} ~~\$30,000~~,
21 the board of public works shall give a class 1 notice, under ch. 985, of the proposed
22 construction before the contract for the construction is executed. This provision does
23 not apply to public construction if the materials for such a project are donated or if
24 the labor for such a project is provided by volunteers. The council may also by a vote
25 of three-fourths of all the members-elect provide by ordinance that any class of

plain

1 public construction or any part thereof may be done directly by the city without
2 submitting the same for bids. //

3 ~~SECTION 1588d. 62.15 (1m) of the statutes is created to read:~~

4 ~~62.15 (1m) DESIGN-BUILD CONTRACTS. (a) Any contract for public construction~~
5 ~~under sub. (1), the estimated cost of which exceeds \$500,000, may be let using the~~
6 ~~design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29)~~
7 ~~(d) and (e), as it applies to counties, applies to cities.~~

8 ~~(b) Any contract for public construction, the estimated cost of which exceeds~~
9 ~~\$500,000, let by a 1st class city may be let using the design-build construction~~
10 ~~process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e), as it applies~~
11 ~~to counties, applies to 1st class cities.”.~~

12 4. Page 785, line 13: after that line insert:

13 “SECTION 1617p. 66.24 (5) (d) of the statutes is amended to read:

14 66.24 (5) (d) *Bids.* Whenever plans and specifications for any facilities have
15 been completed and approved by the commission and by any other agency which
16 must approve the plans and specifications, and the commission has determined to
17 proceed with the work of the construction thereof, it shall advertise by a class 2 notice
18 under ch. 985, for bids for the construction of the facilities. Contracts for the work
19 shall be let to the lowest responsible bidder, except for contracts awarded under par.
20 (e), or the agency may reject any and all bids and if in its discretion the prices quoted
21 are unreasonable, the bidders irresponsible or the bids informal, it may readvertise
22 the work or any part of it. All contracts shall be protected by such bonds, penalties
23 and conditions as the district shall require. The commission may itself do any part
24 of any of the works.

1 ~~SECTION 1617q. 66.24 (5) (e) of the statutes is created to read:~~

2 ~~66.24 (5) (e) Design-build contracts. Any contract for public construction~~
3 ~~under this subsection, the estimated cost of which exceeds \$500,000, may be let using~~
4 ~~the design-build construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52~~
5 ~~(29) (d) and (e), as it applies to counties, applies to districts.”~~

6 **5.** Page 806, line 20: after that line insert:

7 **SECTION 1643p.** 66.904 (2) (a) of the statutes is amended to read:

8 66.904 (2) (a) Except ~~for a contract awarded under par. (am) and except~~ as
9 provided in par. (b), all work done and all purchases of supplies and materials by the
10 commission shall be by contract awarded to the lowest responsible bidder complying
11 with the invitation to bid, if the work or purchase involves an expenditure of \$7,500
12 ~~\$30,000~~ ^{15,000} or more. If the commission decides to proceed with construction of any sewer
13 after plans and specifications for the sewer are completed and approved by the
14 commission and by the department of natural resources under ch. 281, the
15 commission shall advertise by a class 2 notice under ch. 985 for construction bids.

16 All contracts and the awarding of contracts are subject to s. 66.29 ~~except for a~~
17 ~~contract awarded under par. (am)~~ // ,

18 ~~SECTION 1643q. 66.904 (2) (am) of the statutes is created to read:~~

19 ~~66.904 (2) (am) Any contract for public construction under sub. (1), the~~
20 ~~estimated cost of which exceeds \$500,000, may be let using the design-build~~
21 ~~construction process, as defined in s. 59.52 (29) (c) 1. Section 59.52 (29) (d) and (e),~~
22 ~~as it applies to counties, applies to the district.~~

23 **SECTION 1643r.** 66.904 (2) (e) of the statutes is amended to read:

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2
3

~~66.904 (2) (e) Paragraphs (a) to and (b) to (d) do not apply to contracts awarded under s. 66.905. Paragraph (am) applies to contracts awarded under s. 66.905.”~~

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1838/1dn
MES:kg:mrc

September 28, 1999

The exemption for donated materials did not appear in s. 59.52 (29) (a) of LRBb0699/2, the amendment on which this amendment is based, but I added it in this amendment. Is this OK? Also, I raised the bidding threshold for MMSD from \$7,500 to \$15,000, not \$25,000. Is this OK?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1838/P
MES:kgz/fgj

FMR

LFB:.....Runde - Local public works contracts, raise bidding threshold

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-note

only change:
see p. 4

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 761, line 21: after that line insert:
- 3 "SECTION 1577p. 59.52 (29) (a) of the statutes is amended to read:
- 4 59.52 (29) (a) All public work, including any contract for the construction,
- 5 repair, remodeling or improvement of any public work, building, or furnishing of
- 6 supplies or material of any kind where the estimated cost of such work will exceed
- 7 ~~\$20,000~~ \$25,000 shall be let by contract to the lowest responsible bidder. Any public
- 8 work, the estimated cost of which does not exceed ~~\$20,000~~ \$25,000, shall be let as the
- 9 board may direct. If the estimated cost of any public work is between \$5,000 and
- 10 ~~\$20,000~~ \$25,000, the board shall give a class 1 notice under ch. 985 before it contracts

1 for the work or shall contract with a person qualified as a bidder under s. 66.29 (2).
2 A contract, the estimated cost of which exceeds ~~\$20,000~~ \$25,000, shall be let and
3 entered into under s. 66.29, except that the board may by a three-fourths vote of all
4 the members entitled to a seat provide that any class of public work or any part
5 thereof may be done directly by the county without submitting the same for bids.
6 This subsection does not apply to public construction if the materials for such a
7 project are donated or if the labor for such a project is provided by volunteers. This
8 subsection does not apply to highway contracts which the county highway committee
9 or the county highway commissioner is authorized by law to let or make.”

10 **2.** Page 763, line 23: after that line insert:

11 “**SECTION 1580n.** 60.47 (2) (a) of the statutes is amended to read:

12 60.47 (2) (a) No town may enter into a public contract with an estimated cost
13 of more than \$5,000 but not more than ~~\$10,000~~ \$15,000 unless the town board, or a
14 town official or employe designated by the town board, gives a class 1 notice under
15 ch. 985 before execution of that public contract.

16 **SECTION 1580nc.** 60.47 (2) (b) of the statutes is amended to read:

17 60.47 (2) (b) No town may enter into a public contract with a value of more than
18 ~~\$10,000~~ \$15,000 unless the town board, or a town official or employe designated by
19 the town board, advertises for proposals to perform the terms of the public contract
20 by publishing a class 2 notice under ch. 985. The town board may provide for
21 additional means of advertising for bids.

22 **SECTION 1580ni.** 60.47 (5) of the statutes is amended to read:

23 60.47 (5) EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR. This
24 section is optional with respect to public contracts for the repair and construction of

1 public facilities when damage or threatened damage to the facility creates an
2 emergency, as declared by resolution of the town board, that endangers the public
3 health or welfare of the town. This subsection no longer applies when the town board
4 declares that the emergency no longer exists. This section is optional with respect
5 to a public contract if the materials related to the contract are donated or if the labor
6 that is necessary to execute the public contract is provided by volunteers.”

7 **3.** Page 764, line 25: after that line insert:

8 “SECTION 1585m. 61.55 of the statutes is amended to read:

9 **61.55 Contracts involving over \$10,000 \$15,000; how let; exception.** All
10 contracts for public construction, in any such village, exceeding ~~\$10,000~~ \$15,000,
11 shall be let by the village board to the lowest responsible bidder in accordance with
12 s. 66.29 insofar as said section may be applicable. If the estimated cost of any public
13 construction exceeds \$5,000, but is not greater than ~~\$10,000~~ \$15,000, the village
14 board shall give a class 1 notice, under ch. 985, of the proposed construction before
15 the contract for the construction is executed. This provision does not apply to public
16 construction if the materials for such a project are donated or if the labor for such a
17 project is provided by volunteers, and this provision and s. 281.41 are not mandatory
18 for the repair and reconstruction of public facilities when damage or threatened
19 damage thereto creates an emergency, as determined by resolution of the village
20 board, in which the public health or welfare of the village is endangered. Whenever
21 the village board by majority vote at a regular or special meeting declares that an
22 emergency no longer exists, this exemption no longer applies.

23 SECTION 1588c. 62.15 (1) of the statutes is amended to read:

1 **62.15 (1) CONTRACTS; HOW LET. EXCEPTION FOR DONATED MATERIALS AND LABOR.** All
2 public construction, the estimated cost of which exceeds \$10,000 ~~\$15,000~~, shall be let
3 by contract to the lowest responsible bidder; all other public construction shall be let
4 as the council may direct. If the estimated cost of any public construction exceeds
5 \$5,000 but is not greater than ~~\$10,000~~ ~~\$15,000~~, the board of public works shall give
6 a class 1 notice, under ch. 985, of the proposed construction before the contract for
7 the construction is executed. This provision does not apply to public construction if
8 the materials for such a project are donated or if the labor for such a project is
9 provided by volunteers. The council may also by a vote of three-fourths of all the
10 members-elect provide by ordinance that any class of public construction or any part
11 thereof may be done directly by the city without submitting the same for bids.”

12 **4.** Page 806, line 20: after that line insert:

13 “**SECTION 1643p.** 66.904 (2) (a) of the statutes is amended to read:

14 66.904 (2) (a) Except as provided in par. (b), all work done and all purchases
15 of supplies and materials by the commission shall be by contract awarded to the
16 lowest responsible bidder complying with the invitation to bid, if the work or
17 purchase involves an expenditure of \$7,500 ~~\$15,000~~ ^{20,000} or more. If the commission
18 decides to proceed with construction of any sewer after plans and specifications for
19 the sewer are completed and approved by the commission and by the department of
20 natural resources under ch. 281, the commission shall advertise by a class 2 notice
21 under ch. 985 for construction bids. All contracts and the awarding of contracts are
22 subject to s. 66.29.”

23

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1838/~~xdn~~²
MES:kg.mrc

September 28, 1999

This version of the amendment changes the ~~threshold~~ bidding threshold for MMSD^D to \$20,000 to be consistent with ~~====~~

The exemption for donated materials did not appear in s. 59.52 (29) (a) of LRBb0699/2, the amendment on which this amendment is based, but I added it in this amendment. Is this OK? Also, I raised the bidding threshold for MMSD from \$7,500 to \$15,000, not \$25,000. Is this OK?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

LRB 61717/1.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1838/2dn
MES:kg:km

September 30, 1999

This version of the amendment changes the bidding threshold for MMSD to \$20,000 to be consistent with LRBb1717/1.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBl1838/2

MES:kg:109

RMR

Today

LFB:.....Runde - Local public works contracts, raise bidding threshold

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

INS 1-1

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 761, line 21: after that line insert:
- 3 "SECTION 1577p. 59.52 (29) (a) of the statutes is amended to read:
- 4 59.52 (29) (a) All public work, including any contract for the construction,
- 5 repair, remodeling or improvement of any public work, building, or furnishing of
- 6 supplies or material of any kind where the estimated cost of such work will exceed
- 7 \$20,000 \$25,000 shall be let by contract to the lowest responsible bidder. Any public
- 8 work, the estimated cost of which does not exceed ~~\$20,000~~ \$25,000, shall be let as the
- 9 board may direct. If the estimated cost of any public work is between \$5,000 and
- 10 \$20,000 \$25,000, the board shall give a class 1 notice under ch. 985 before it contracts

1 for the work or shall contract with a person qualified as a bidder under s. 66.29 (2).
2 A contract, the estimated cost of which exceeds ~~\$20,000~~ \$25,000, shall be let and
3 entered into under s. 66.29, except that the board may by a three-fourths vote of all
4 the members entitled to a seat provide that any class of public work or any part
5 thereof may be done directly by the county without submitting the same for bids.
6 This subsection does not apply to public construction if the materials for such a
7 project are donated or if the labor for such a project is provided by volunteers. This
8 subsection does not apply to highway contracts which the county highway committee
9 or the county highway commissioner is authorized by law to let or make.”

10 **2.** Page 763, line 23: after that line insert:

11 **“SECTION 1580n.** 60.47 (2) (a) of the statutes is amended to read:

12 60.47 (2) (a) No town may enter into a public contract with an estimated cost
13 of more than \$5,000 but not more than ~~\$10,000~~ \$15,000 unless the town board, or a
14 town official or employe designated by the town board, gives a class 1 notice under
15 ch. 985 before execution of that public contract.

16 **SECTION 1580nc.** 60.47 (2) (b) of the statutes is amended to read:

17 60.47 (2) (b) No town may enter into a public contract with a value of more than
18 ~~\$10,000~~ \$15,000 unless the town board, or a town official or employe designated by
19 the town board, advertises for proposals to perform the terms of the public contract
20 by publishing a class 2 notice under ch. 985. The town board may provide for
21 additional means of advertising for bids.

22 **SECTION 1580ni.** 60.47 (5) of the statutes is amended to read:

23 60.47 (5) **EXCEPTION FOR EMERGENCIES AND DONATED MATERIALS AND LABOR.** This
24 section is optional with respect to public contracts for the repair and construction of

1 public facilities when damage or threatened damage to the facility creates an
2 emergency, as declared by resolution of the town board, that endangers the public
3 health or welfare of the town. This subsection no longer applies when the town board
4 declares that the emergency no longer exists. This section is optional with respect
5 to a public contract if the materials related to the contract are donated or if the labor
6 that is necessary to execute the public contract is provided by volunteers.”.

7 **3.** Page 764, line 25: after that line insert:

8 “SECTION 1585m. 61.55 of the statutes is amended to read:

9 **61.55 Contracts involving over ~~\$10,000~~ \$15,000; how let; exception.** All
10 contracts for public construction, in any such village, exceeding ~~\$10,000~~ \$15,000,
11 shall be let by the village board to the lowest responsible bidder in accordance with
12 s. 66.29 insofar as said section may be applicable. If the estimated cost of any public
13 construction exceeds \$5,000, but is not greater than ~~\$10,000~~ \$15,000, the village
14 board shall give a class 1 notice, under ch. 985, of the proposed construction before
15 the contract for the construction is executed. This provision does not apply to public
16 construction if the materials for such a project are donated or if the labor for such a
17 project is provided by volunteers, and this provision and s. 281.41 are not mandatory
18 for the repair and reconstruction of public facilities when damage or threatened
19 damage thereto creates an emergency, as determined by resolution of the village
20 board, in which the public health or welfare of the village is endangered. Whenever
21 the village board by majority vote at a regular or special meeting declares that an
22 emergency no longer exists, this exemption no longer applies.

23 SECTION 1588c. 62.15 (1) of the statutes is amended to read:

1 **62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All
2 public construction, the estimated cost of which exceeds ~~\$10,000~~ \$15,000, shall be let
3 by contract to the lowest responsible bidder; all other public construction shall be let
4 as the council may direct. If the estimated cost of any public construction exceeds
5 \$5,000 but is not greater than ~~\$10,000~~ \$15,000, the board of public works shall give
6 a class 1 notice, under ch. 985, of the proposed construction before the contract for
7 the construction is executed. This provision does not apply to public construction if
8 the materials for such a project are donated or if the labor for such a project is
9 provided by volunteers. The council may also by a vote of three-fourths of all the
10 members-elect provide by ordinance that any class of public construction or any part
11 thereof may be done directly by the city without submitting the same for bids.”

12 **4.** Page 806, line 20: after that line insert:

13 **“SECTION 1643p.** 66.904 (2) (a) of the statutes is amended to read:

14 66.904 (2) (a) Except as provided in par. (b), all work done and all purchases
15 of supplies and materials by the commission shall be by contract awarded to the
16 lowest responsible bidder complying with the invitation to bid, if the work or
17 purchase involves an expenditure of ~~\$7,500~~ \$20,000 or more. If the commission
18 decides to proceed with construction of any sewer after plans and specifications for
19 the sewer are completed and approved by the commission and by the department of
20 natural resources under ch. 281, the commission shall advertise by a class 2 notice
21 under ch. 985 for construction bids. All contracts and the awarding of contracts are
22 subject to s. 66.29.”

23

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1838/3ins
MES:kg.km

1 Ins 1-1

2 ✓ 1. Page 512, line 3: after that line insert:

3 "SECTION 897s. 38.18 of the statutes is amended to read:

4 **38.18 Contracts and bidding.** All contracts made by a district board for
5 public construction in a district, ~~the estimated cost of which exceeds \$10,000~~, shall
6 be let by the district board to the lowest responsible bidder in accordance with s.
7 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess
8 the powers conferred by s. 62.15 on the board of public works and the common
9 council. All contracts made under this section shall be made in the name of the
10 district and shall be executed by the district board chairperson and district board
11 secretary."

History: 1971 c. 154; 1975 c. 244; 1981 c. 269; 1993 a. 397.

12 2. Page 537, line 19: after that line insert:

13 "SECTION 94⁵ds. 43.17 (9) (a) of the statutes is amended to read:

14 43.17 (9) (a) All contracts for public construction, ~~the estimated cost of which~~
15 ~~exceeds \$5,000~~, made by a federated public library system whose territory lies within
16 2 or more counties or by a federated public library system whose territory lies within
17 a single county with a population of at least 500,000 shall be let by the public library
18 system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11)
19 and (14). For purposes of this section, the system board possesses the powers
20 conferred by s. 62.15 on the board of public works and the common council. All
21 contracts made under this section shall be made in the name of the federated public

- 1 library system and shall be executed by the system board president and such other
- 2 board officer as the system board designates.”

History: 1971 c. 152; 1981 c. 96; 1985 a. 29, 176, 177; 1985 a. 332 s. 253; 1989 a. 286; 1991 a. 272; 1993 a. 383; 1995 a. 201; 1997 a. 150.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1838/3
MES:kg:mrc

LFB:.....Runde – Local public works contracts, raise bidding threshold

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 512, line 3: after that line insert:

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4 **38.18 Contracts and bidding.** All contracts made by a district board for
5 public construction in a district, ~~the estimated cost of which exceeds \$10,000,~~ shall
6 be let by the district board to the lowest responsible bidder in accordance with s.
7 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess
8 the powers conferred by s. 62.15 on the board of public works and the common
9 council. All contracts made under this section shall be made in the name of the

1 district and shall be executed by the district board chairperson and district board
2 secretary.”.

3 **2.** Page 537, line 19: after that line insert:

4 “**SECTION 945ds.** 43.17 (9) (a) of the statutes is amended to read:

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7 2 or more counties or by a federated public library system whose territory lies within
8 a single county with a population of at least 500,000 shall be let by the public library
9 system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11)
10 and (14). For purposes of this section, the system board possesses the powers
11 conferred by s. 62.15 on the board of public works and the common council. All
12 contracts made under this section shall be made in the name of the federated public
13 library system and shall be executed by the system board president and such other
14 board officer as the system board designates.”.

15 **3.** Page 761, line 21: after that line insert:

16 “**SECTION 1577p.** 59.52 (29) (a) of the statutes is amended to read:

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18 repair, remodeling or improvement of any public work, building, or furnishing of
19 supplies or material of any kind where the estimated cost of such work will exceed
20 ~~\$20,000~~ \$25,000 shall be let by contract to the lowest responsible bidder. Any public
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22 board may direct. If the estimated cost of any public work is between \$5,000 and
23 ~~\$20,000~~ \$25,000, the board shall give a class 1 notice under ch. 985 before it contracts
24 for the work or shall contract with a person qualified as a bidder under s. 66.29 (2).

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21 (END)