

No. 72, A.]

[Published July 22, 1955.]

**CHAPTER 406**

AN ACT to amend 66.29 (2), (6) and (7); and to create 66.29 (1) (d) of the statutes, relating to definition of "subcontractor" and public works contracts and bids.

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

SECTION 1. 66.29 (1) (d) of the statutes is created to read:

66.29 (1) (d) "Subcontractor" means a person whose relationship to the principal contractor is substantially the same as to a part of the work as the latter's relationship is to the proprietor. A "subcontractor"

takes a distinct part of the work in such a way that he does not contemplate doing merely personal service.

SECTION 2. 66.29 (2), (6) and (7) of the statutes are amended to read:

66.29 (2) \* \* \* *Every municipality, board or public body upon all contracts subject to this section shall, before delivering any form for bid proposals pertaining thereto to any person, require such person to submit a full and complete statement sworn to before an officer authorized by law to administer oaths, of financial ability, equipment, experience in the work prescribed in said public contract, and of such other matters as the municipality, board, public body or officer thereof may require for the protection and welfare of the public in the performance of any public contract; and such statement shall be in writing on a standard form of a questionnaire as adopted for such use by the municipality, board or public body or officer thereof, to be furnished by such municipality, board, public body or officer thereof, and shall be filed in the manner and place designated by the municipality, board, public body or such officer thereof, not less than 5 days prior to the time set for opening of bids. The contents of said statements shall be confidential and shall not be disclosed except upon written order of such person furnishing the same, or in cases of actions against, or by such person or municipality. Every public officer charged with the duty of receiving bids for and awarding of any such contract shall properly evaluate the sworn statements filed relative to financial ability, equipment and experience in the work prescribed in determining the delivery of any form for a bid proposal.*

(6) *On those contracts calling for the construction, repair, remodeling or improvement of any public building or structure the municipality shall separately let (a) plumbing, (b) heating and ventilating, and (c) electrical contracts where such labor and materials are called for and the municipality \* \* \* shall have the power to set out in any public contract reasonable and lawful conditions as to the hours of labor, wages, residence, character, and classification of workmen to be employed by any contractor, and to classify such contractors as to their financial responsibility, competency, and ability to perform work and to set up a classified list of contractors pursuant thereto; and such municipality \* \* \* shall further have the power to reject the bid of any person, if such person has not been classified pursuant to the said questionnaire for the kind or amount of work in said bid. Whenever such municipality \* \* \* shall contemplate the letting of any public contract, pursuant to \* \* \* this section, the advertisement for proposals for the doing of the same shall expressly state in effect that the letting is made subject to \* \* \* this section and that such municipality \* \* \* reserves and has the right to reject any and all bids at any time.*

(7) *On all contracts the bidder shall incorporate and make a part of his proposal for the doing of any work or labor or the furnishing of any material in or about any public work or contract of the municipality a sworn statement by himself, or if not an individual by one authorized, that he has examined and carefully prepared said proposal from the plans and specifications and has checked the same in detail before submitting said proposal or bid to the municipality, board, department, or officer charged with the letting of bids \* \* \*. In all cities of the first class, the awarding authority charged with awarding public construction contracts may, and in all other municipalities, the municipality may by resolution referring specifically to the project under consideration, which resolution shall become effective when incorporated in the bidding documents, require that the bidder at the time of submitting his bid and as a part of said proposal, submit a full and complete list of all the proposed*

subcontractors and the class of work to be performed by each, *as called for in the bidding documents*, which list shall not be added to nor altered without the written consent of the municipality.

Approved July 15, 1955.

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