



1995 ASSEMBLY BILL 874

February 13, 1996 - Introduced by Representatives SERATTI, MUSSER, OLSEN, AINSWORTH, OWENS and HAHN, cosponsored by Senator BRESKE, by request of Village of Wittenberg. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to amend** 38.18, 43.17 (9) (a), 60.47 (2) (a), 60.47 (2) (b), 61.55 and 62.15
2 (1) of the statutes; **relating to:** bid requirements for public contracts.

Analysis by the Legislative Reference Bureau

In general, under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$10,000 may be let by a municipality (2nd, 3rd or 4th class city, or a village or town), a class 1 notice of the proposed construction must be given by the municipality's governing body. Before a contract for public construction with a value that exceeds \$10,000 may be let by a municipality, certain other requirements, such as a lowest responsible bidder requirement, must be met.

Under this bill, for a municipality with a population of less than 2,000, the class 1 notice requirement applies to contracts for public construction with a value that exceeds \$5,000 but does not exceed \$30,000, and the other requirements, such as the lowest responsible bidder requirement, apply to contracts that exceed \$30,000.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 **SECTION 1.** 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.

1 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess
2 the powers conferred by s. 62.15 on the board of public works and the common council
3 of a city with a population of 2,000 or more. All contracts made under this section
4 shall be made in the name of the district and shall be executed by the district board
5 chairperson and district board secretary.

6 **SECTION 2.** 43.17 (9) (a) of the statutes is amended to read:

7 43.17 **(9)** (a) All contracts for public construction, the estimated cost of which
8 exceeds \$5,000, made by a federated public library system whose territory lies within
9 2 or more counties or by a federated public library system whose territory lies within
10 a single county with a population of at least 500,000 shall be let by the public library
11 system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11)
12 and (14). For purposes of this section, the system board possesses the powers
13 conferred by s. 62.15 on the board of public works and the common council of a city
14 with a population of 2,000 or more. All contracts made under this section shall be
15 made in the name of the federated public library system and shall be executed by the
16 system board president and such other board officer as the system board designates.

17 **SECTION 3.** 60.47 (2) (a) of the statutes is amended to read:

18 60.47 **(2)** (a) No town with a population of 2,000 or more may enter into a public
19 contract with an estimated cost of more than \$5,000 but not more than \$10,000, and
20 no town with a population of less than 2,000 may enter into a public contract with
21 an estimated cost of more than \$5,000 but not more than \$30,000, unless the town
22 board, or a town official or employe designated by the town board, gives a class 1
23 notice under ch. 985 before execution of that public contract.

24 **SECTION 4.** 60.47 (2) (b) of the statutes is amended to read:

1 60.47 (2) (b) No town with a population of 2,000 or more may enter into a public
2 contract with a value of more than \$10,000, and no town with a population of less
3 than 2,000 may enter into a public contract with a value of more than \$30,000, unless
4 the town board, or a town official or employe designated by the town board,
5 advertises for proposals to perform the terms of the public contract by publishing a
6 class 2 notice under ch. 985. The town board may provide for additional means of
7 advertising for bids.

8 **SECTION 5.** 61.55 of the statutes is amended to read:

9 **61.55 Contracts involving over \$10,000; how let; exception.** ~~All In a~~
10 village with a population of 2,000 or more, all contracts for public construction, ~~in any~~
11 ~~such village, exceeding \$10,000~~ with a value of more than \$10,000, and in a village
12 with a population of less than 2,000, all contracts for public construction with a value
13 of more than \$30,000, shall be let by the village board to the lowest responsible bidder
14 in accordance with s. 66.29 insofar as said section may be applicable. ~~If In a village~~
15 with a population of 2,000 or more, if the estimated cost of any public construction
16 exceeds \$5,000, but is not greater than \$10,000, and in a village with a population
17 of less than 2,000, if the estimated cost of any public construction exceeds \$5,000, but
18 is not greater than \$30,000, the village board shall give a class 1 notice, under ch. 985,
19 of the proposed construction before the contract for the construction is executed. This
20 provision and s. 144.04 are not mandatory for the repair and reconstruction of public
21 facilities when damage or threatened damage thereto creates an emergency, as
22 determined by resolution of the village board, in which the public health or welfare
23 of the village is endangered. Whenever the village board by majority vote at a regular
24 or special meeting declares that an emergency no longer exists, this exemption no
25 longer applies.

