



1995 ASSEMBLY BILL 160

February 28, 1995 - Introduced by Representatives URBAN, DUFF, LADWIG, GROTHMAN and WILDER, cosponsored by Senator DARLING. Referred to Committee on Education.

1 **AN ACT to create** 118.275 of the statutes; **relating to:** bidding requirements for
2 school district construction.

Analysis by the Legislative Reference Bureau

This bill requires a school board (other than the school board of the Milwaukee Public Schools (MPS)) to accept the lowest responsible bidder for the construction, repair, remodeling or improvement of school buildings and other school facilities, or for services, the estimated cost of which exceeds \$10,000. If the estimated cost is more than \$5,000 but not more than \$10,000, the school board must publish a notice of the contract before entering into the contract.

In the MPS, current law requires the school board to establish competitive bidding policies and procedures for purchases and for construction contracts.

For further information see the *state and 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.** 118.275 of the statutes is created to read:

4 **118.275 Public contracts and competitive bidding.** (1) DEFINITIONS. In
5 this section:

6 (a) "Public contract" means a contract for the construction, repair, remodeling
7 or improvement of any school building or other school facility, or a contract for
8 services, with an estimated cost greater than \$5,000.

1 (b) "Responsible bidder" means a person who, in the judgment of the school
2 board, is financially responsible and has the capacity and competence to faithfully
3 and responsibly comply with the terms of the public contract.

4 **(2) NOTICE; ADVERTISEMENT FOR BIDS.** Except as provided in sub. (4):

5 (a) A school board may not enter into a public contract with an estimated cost
6 of more than \$5,000 but not more than \$10,000 unless the school board publishes a
7 class 1 notice under ch. 985 before execution of the public contract.

8 (b) A school board may not enter into a public contract with an estimated value
9 of more than \$10,000 unless the school board advertises for proposals to perform the
10 terms of the public contract by publishing a class 2 notice under ch. 985. The school
11 board may provide for additional means of advertising for bids.

12 **(3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER.** The school board shall let a
13 public contract for which advertising for proposals is required under sub. (2) (b) to
14 the lowest responsible bidder. Section 66.29 applies to public contracts let under sub.
15 (2) (b).

16 **(4) EXCEPTIONS.** This section does not apply to any of the following:

17 (a) Public contracts entered into by a school board with a municipality, as
18 defined under s. 66.30 (1) (a).

19 (b) Public contracts for the repair and construction of school buildings or
20 facilities when damage or threatened damage to the building or facility creates an
21 emergency, as declared by resolution of the school board, that endangers the health,
22 safety or welfare of pupils or school district employees.

23 (c) Public work performed directly by school district employees.

24 **SECTION 2. Initial applicability.**

1 (1) This act first applies to contracts entered into by school districts on the
2 effective date of this subsection.

3 (END)