

1999 ASSEMBLY BILL 931

March 28, 2000 – Introduced by Representative J. LEHMAN. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 61.55 and 62.15 (1) of the statutes; **relating to:** changing the
2 notice that must be given by certain local units of government before a public
3 construction contract may be let.

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 \$15,000 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. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$25,000 may be let by a county, a class 1 notice of the proposed construction must be given by the county board. Before a contract for public construction with a value that exceeds \$15,000 may be let by a municipality, or that exceeds \$25,000 in the case of a county, certain other requirements, such as a lowest responsible bidder requirement, must be met.

The common council of a city, by a three-fourths vote of its membership, may also authorize the city itself to perform any class of public construction without asking for the submission of bids. A county board, by a three-fourths vote of its membership, may also authorize the county itself to perform any class of public work if the estimated cost of the work exceeds \$25,000.

Generally under current law, the public construction contracting requirements that apply to a city also apply to a technical college district board and a federated public library system.

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Under this bill, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a city, a village, a technical college district or a federated public library system, a class 1 notice of the proposed construction may be, but is not required to be, given by the governing body of the city, village, technical college district or federated public library system.

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:

1 **SECTION 1.** 61.55 of the statutes, as affected by 1999 Wisconsin Act 9, is
2 amended to read:

3 **61.55 Contracts involving over \$15,000; how let; exception.** All contracts
4 for public construction, in any such village, exceeding \$15,000, shall be let by the
5 village board to the lowest responsible bidder in accordance with s. 66.29 insofar as
6 said section may be applicable. If the estimated cost of any public construction
7 exceeds \$5,000, but is not greater than \$15,000, the village board shall may give a
8 class 1 notice, under ch. 985, of the proposed construction before the contract for the
9 construction is executed. This provision does not apply to public construction if the
10 materials for such a project are donated or if the labor for such a project is provided
11 by volunteers, and this provision and s. 281.41 are not mandatory for the repair and
12 reconstruction of public facilities when damage or threatened damage thereto
13 creates an emergency, as determined by resolution of the village board, in which the
14 public health or welfare of the village is endangered. Whenever the village board by
15 majority vote at a regular or special meeting declares that an emergency no longer
16 exists, this exemption no longer applies.

17 **SECTION 2.** 62.15 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
18 amended to read:

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1 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All
2 public construction, the estimated cost of which exceeds \$15,000, shall be let by
3 contract to the lowest responsible bidder; all other public construction shall be let as
4 the council may direct. If the estimated cost of any public construction exceeds
5 \$5,000 but is not greater than \$15,000, the board of public works shall may give a
6 class 1 notice, under ch. 985, of the proposed construction before the contract for the
7 construction is executed. This provision does not apply to public construction if the
8 materials for such a project are donated or if the labor for such a project is provided
9 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.

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(END)