

2005 Assembly Bill 146

Date of enactment: **March 27, 2006**

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2005 WISCONSIN ACT 202

AN ACT to amend 60.47 (2) (a), 60.47 (2) (b), 60.77 (6) (a), 61.55 and 62.15 (1) of the statutes; **relating to:** changing the amount at which a public construction contract let by a city, village, town, technical college district board, town sanitary district commission, or federated public library system must be let to the lowest responsible bidder.

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

SECTION 1. 60.47 (2) (a) of the statutes is amended to read:

60.47 (2) (a) No town may enter into a public contract with an estimated cost of more than \$5,000 but not more than ~~\$15,000~~ \$25,000 unless the town board, or a town official or employee designated by the town board, gives a class 1 notice under ch. 985 before execution of that public contract.

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

60.47 (2) (b) No town may enter into a public contract with a value of more than ~~\$15,000~~ \$25,000 unless the town board, or a town official or employee designated by the town board, advertises for proposals to perform the terms of the public contract by publishing a class 2 notice under ch. 985. The town board may provide for additional means of advertising for bids.

SECTION 3. 60.77 (6) (a) of the statutes is amended to read:

60.77 (6) (a) Let contracts for any work or purchase that involves an expenditure of ~~\$15,000~~ \$25,000 or more to the lowest responsible bidder in the manner prescribed by the commission. Section 66.0901 applies to contracts let under this paragraph.

SECTION 4. 61.55 of the statutes is amended to read:

61.55 Contracts involving over ~~\$15,000~~ \$25,000; how let; exception. All contracts for public construction, in any such village, exceeding ~~\$15,000~~ \$25,000, shall be let by the village board to the lowest responsible bidder in accordance with s. 66.0901 insofar as said section may be applicable. If the estimated cost of any public construction exceeds \$5,000, but is not greater than ~~\$15,000~~ \$25,000, the village board shall give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. This provision 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, and this provision and s. 281.41 are not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the village board, in which the public health or welfare of the village is endangered. Whenever the village board by majority vote at a regular or special meeting declares that an emergency no longer exists, this exemption no longer applies.

SECTION 5. 62.15 (1) of the statutes is amended to read:

62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All public construction, the estimated cost of which exceeds ~~\$15,000~~ \$25,000,

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. If the estimated cost of any public construction exceeds \$5,000 but is not greater than ~~\$15,000~~ \$25,000, the board of public works shall give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. This provision 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. The council may also by a vote of three-fourths of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.

SECTION 6. Initial applicability.

(1) This act first applies to public construction contracts that are let on the effective date of this subsection.
