

**2005 DRAFTING REQUEST**

**Bill**

Received: 01/20/2005

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - munis generally**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Change the public contract minimum bid requirements for municipalities, tech college districts, and federated public libraries

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**Instructions:**

See Attached. Also see 2003 AB 973

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 01/20/2005	wjackson 01/31/2005		_____			S&L
/1			rschluet 01/31/2005	_____	mbarman 01/31/2005	sbasford 02/04/2005	

FE Sent For:

<END>

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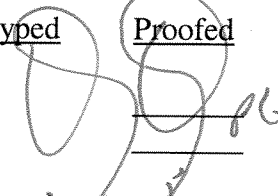
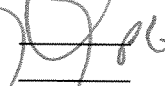
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/?	mshovers	1 Wlj 1/31					
11	MES	1/20/05					

FE Sent For:

<END>

## Shovers, Marc

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**From:** Solie, Denise  
**Sent:** Thursday, January 20, 2005 12:48 PM  
**To:** Shovers, Marc  
**Subject:** RE: Drafting request - competitive bidding threshold for cities

Marc,

Yes, please draft it to increase the threshold for tech college district boards and for federated library systems. Also for villages, and towns if the threshold is currently less than \$25,000.  
Thanks.

**Denise Kuchta Solie**  
Committee Clerk, JCRAR  
Rep. Mark Gottlieb  
(608) 267-2369

-----Original Message-----

**From:** Shovers, Marc  
**Sent:** Thursday, January 20, 2005 12:20 PM  
**To:** Solie, Denise  
**Subject:** RE: Drafting request - competitive bidding threshold for cities

Hi Denise:

Because of statutory cross-references, the public construction contracting requirements that apply to cities generally also apply to technical college district boards and federated public library systems. Do you want to increase the threshold for these entities also, or would you like to limit the increase to cities only?

Marc

Marc E. Shovers

Senior Legislative Attorney  
Legislative Reference Bureau  
Phone: (608) 266-0129  
Fax: (608) 264-8522  
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

**From:** Solie, Denise  
**Sent:** Thursday, January 20, 2005 11:53 AM  
**To:** Shovers, Marc  
**Subject:** Drafting request - competitive bidding threshold for cities

Marc,

Please draft an Assembly Bill to raise the bidding threshold from the current \$15,000 to \$25,000 for construction projects by cities. I believe that the statutory cite is 62.12(1), as below:

62.15(1)

(1) Contracts; how let; exception for donated materials and labor. All public construction, the estimated cost of which exceeds \$15,000, \$25,000, 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.

Please call or email me if you have any questions, or if I have the wrong statutory cite. Thanks.

**Denise Kuchta Solie**  
*Committee Clerk, JCRAR*  
*Rep. Mark Gottlieb*  
*(608) 267-2369*

- 1812/1

RMP

2005 2003 ASSEMBLY BILL 973

March 11, 2004 - Introduced by Representatives STASKUNAS, AINSWORTH, MUSSER, HAHN, GOTTLIEB and GUNDERSON. Referred to Committee on Rules.

Lps:  
Please PWF

egler ✓

board, town sanitary district  
commission

1 AN ACT to amend 59.52 (29) (a), 60.47 (2) (a), 60.47 (2) (b), 61.55 and 62.15 (1)  
2 of the statutes; relating to: changing the amount at which a public  
3 construction contract let by a city, village, town, or county must be let to the  
4 lowest responsible bidder.

**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 (second, third, or fourth class city, or a village or town), the municipality's governing body must give a class 1 notice of the proposed construction. 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, the county board must give a class 1 notice of the proposed construction. Before a contract for public construction with a value that exceeds \$15,000, or that exceeds \$25,000 in the case of a county, may be let by a municipality, 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.

or town sanitary  
district commission

technical college district  
federated public library  
system

**ASSEMBLY BILL 973**

*town sanitary district  
commissioner SA*

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.

Under this bill, for cities, villages, towns, technical college district boards, and federated public library systems the minimum bid amount of \$15,000 ~~and for counties, the minimum bid amount of \$25,000~~ that triggers requirements such as a lowest responsible bidder requirement is increased to ~~\$25,000~~ *\$30,000 RD 57,000*

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:***

**SECTION 1.** 59.52 (29) (a) of the statutes is amended to read:

59.52 (29) (a) All public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed ~~\$25,000~~ \$30,000 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed ~~\$25,000~~ \$30,000, shall be let as the board may direct. If the estimated cost of any public work is between \$5,000 and ~~\$25,000~~ \$30,000, the board shall give a class 1 notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901 (2). A contract, the estimated cost of which exceeds ~~\$25,000~~ \$30,000, shall be let and entered into under s. 66.0901, except that the board may by a three-fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids. This subsection 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. This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make.

ASSEMBLY BILL 973

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

2 60.47 (2) (a) No town may enter into a public contract with an estimated cost  
3 of more than \$5,000 but not more than \$15,000 ~~\$30,000~~ <sup>\$25,000</sup> unless the town board, or a  
4 town official or employee designated by the town board, gives a class 1 notice under  
5 ch. 985 before execution of that public contract.

6 SECTION 3. 60.47 (2) (b) of the statutes is amended to read:

7 60.47 (2) (b) No town may enter into a public contract with a value of more than  
8 \$15,000 ~~\$30,000~~ unless the town board, or a town official or employee designated by  
9 the town board, advertises for proposals to perform the terms of the public contract  
10 by publishing a class 2 notice under ch. 985. The town board may provide for  
11 additional means of advertising for bids.

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

13 **61.55 Contracts involving over \$15,000 ~~\$30,000~~; how let; exception.** All  
14 contracts for public construction, in any such village, exceeding \$15,000 ~~\$30,000~~,  
15 shall be let by the village board to the lowest responsible bidder in accordance with  
16 s. 66.0901 insofar as said section may be applicable. If the estimated cost of any  
17 public construction exceeds \$5,000, but is not greater than \$15,000 ~~\$30,000~~, the  
18 village board shall give a class 1 notice, under ch. 985, of the proposed construction  
19 before the contract for the construction is executed. This provision does not apply to  
20 public construction if the materials for such a project are donated or if the labor for  
21 such a project is provided by volunteers, and this provision and s. 281.41 are not  
22 mandatory for the repair and reconstruction of public facilities when damage or  
23 threatened damage thereto creates an emergency, as determined by resolution of the  
24 village board, in which the public health or welfare of the village is endangered.

*\$25,000*

*JNS  
3-11*

*\$25,000*



**ASSEMBLY BILL 973**

**SECTION 4**

1 Whenever the village board by majority vote at a regular or special meeting declares  
2 that an emergency no longer exists, this exemption no longer applies.

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

4 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All  
5 public construction, the estimated cost of which exceeds \$15,000 ~~\$30,000~~ <sup>\$25,000</sup>, shall be let  
6 by contract to the lowest responsible bidder; all other public construction shall be let  
7 as the council may direct. If the estimated cost of any public construction exceeds  
8 \$5,000 but is not greater than \$15,000 ~~\$30,000~~ <sup>\$25,000</sup>, the board of public works shall give  
9 a class 1 notice, under ch. 985, of the proposed construction before the contract for  
10 the construction is executed. This provision does not apply to public construction if  
11 the materials for such a project are donated or if the labor for such a project is  
12 provided by volunteers. The council may also by a vote of three-fourths of all the  
13 members-elect provide by ordinance that any class of public construction or any part  
14 thereof may be done directly by the city without submitting the same for bids.

15 **SECTION 6. Initial applicability.**

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

18 (END)

INS 3-4

Section #. 60.77 (6) (a) of the statutes is amended to read:

\$25,000

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

History: 1983 a. 532; 1989 a. 31, 56, 159, 322; 1991 a. 39; 1993 a. 16; 1995 a. 185, 349, 378; 1999 a. 150 s. 672; 2001 a. 16.

**Emery, Lynn**

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**From:** Solie, Denise  
**Sent:** Friday, February 04, 2005 11:42 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-1812/1 Topic: Change the public contract minimum bid requirements for municipalities, tech college districts, and federated public libraries

It has been requested by <Solie, Denise> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1812/1 Topic: Change the public contract minimum bid requirements for municipalities, tech college districts, and federated public libraries