

2017 DRAFTING REQUEST

Bill

For: **Robert Brooks (608) 267-2369** Drafter: **tkuczens**
 By: **Christopher** Secondary Drafters:
 Date: **9/21/2016** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Rob.Brooks@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**
fern.knepp@legis.wisconsin.gov
eric.mueller@legis.wisconsin.gov
marc.shovers@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

School district and competitive bidding

Instructions:

Require school districts to adhere to competitive bidding requirements applicable to political subdivisions; increase bidding threshold from \$25,000 to \$100,000

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/26/2016	aernstr 9/29/2016			
/P1	tkuczens 10/25/2016	aernstr 10/27/2016	rmilford 9/29/2016		State S&L
/P2	tkuczens 2/27/2017	aernstr 3/2/2017	egradian 10/27/2016		State S&L
/P3	emueller		lparisi		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/7/2017		3/2/2017		S&L
/P4	emueller 3/22/2017	aernstr 3/9/2017	lparisi 3/9/2017		State S&L
/P5	emueller 3/31/2017	aernstr 3/24/2017	mbarman 3/24/2017		State S&L
/1	emueller 4/17/2017	aernstr 3/31/2017	rmilford 3/31/2017		State S&L
/2		aernstr 4/18/2017	rmilford 4/18/2017	lparisi 4/20/2017	State S&L

FE Sent For:

<END>

→ At
Intro.



State of Wisconsin
2015 - 2016 LEGISLATURE

0186/P1
LRB-3895/P1
TKK:ahc
insert
Rmr1R

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 9/26
wanted
9/29

saw
wref ✓

Reyer ✓

1 AN ACT to amend 66.0901 (1) (a), 66.0901 (1m) (a) (intro.) and 66.0901 (1m) (b)
2 of the statutes; relating to: competitive bidding requirements for school districts thresholds and requiring to utilize competitive bidding

Insert
Analysis

also **Analysis by the Legislative Reference Bureau**

This bill requires a school board and the board of school directors of the Milwaukee Public Schools request sealed, competitive bids from contractors seeking to undertake public works projects and to award public works contracts to the lowest responsible bidder. Current law imposes these bidding requirements on cities, villages, towns, and counties.

FE
→ state and local →

For further information see the local fiscal estimate, which will be printed as an appendix to this bill. to comply with these bidding requirements

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

Insert 1-3

3 SECTION 1. 66.0901 (1) (a) of the statutes is amended to read:
4 66.0901 (1) (a) "Municipality" means the state or a town, city, village, school
5 district, board of school directors of the school district operating under ch. 119, sewer
6 district, drainage district, technical college district or other public or quasi-public

1 corporation, officer, board or other public body charged with the duty of receiving bids
2 for and awarding any public contracts.

3 ✓SECTION 2. 66.0901 (1m) (a) (intro.) of the statutes is amended to read:

4 66.0901 (1m) (a) (intro.) Except when necessary to secure federal aid,
5 whenever a political subdivision, school district, or the board of school directors of the
6 school district operating under ch. 119 lets a public contract by bidding, the political
7 subdivision shall comply with all of the following:

8 ✓SECTION 3. 66.0901 (1m) (b) of the statutes is amended to read:

9 66.0901 (1m) (b) Except when necessary to secure federal aid, a political
10 subdivision, school district, or the board of school directors of the school district
11 operating under ch. 119 may not use a bidding method that gives preference based
12 on the geographic location of the bidder or that uses criteria other than the lowest
13 responsible bidder in awarding a contract.

14

(END)

Insert 2-14

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0186/?ins
TKK:...

INSERT ANALYSIS

56 ✓
X This bill increases to \$100,000 the threshold above which the state or a local unit of government, including a city, village, or town, must request sealed, competitive bids from contractors seeking to undertake certain public works projects. Under current law, if the estimated cost of a public works project exceeds \$25,000, the state or local unit of government must solicit bids and award the public works contract to the lowest responsible bidder.

INSERT 1-3

1 ↙ **SECTION 1.** 16.75 (1) (b) 1. of the statutes is amended to read:

2 16.75 (1) (b) 1. ~~Except as provided in subd. 2.,~~ when When the estimated cost
3 exceeds \$25,000 \$100,000, the department shall invite bids to be submitted.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; 2007 a. 20 ss. 102 to 103h, 9121 (6) (a); 2007 a. 97; 2009 a. 136, 180, 299; 2011 a. 32; 2011 a. 260 ss. 80, 81; 2013 a. 20, 166, 192; 2015 a. 55, 195.

4 ↘ **SECTION 2.** 16.75 (1) (b) 2. of the statutes is repealed.

5 ↘ **SECTION 3.** 16.75 (1) (b) 3. of the statutes is amended to read:

6 16.75 (1) (b) 3. If subd. 1. ~~or 2.~~ requires bids to be solicited, the department
7 either shall solicit sealed bids to be opened publicly at a specified date and time, or
8 shall solicit bidding by auction to be conducted electronically at a specified date and
9 time. Whenever bids are invited, due notice inviting bids shall be published as a class
10 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
11 the department. The bid opening or auction shall occur at least 7 days after the date
12 of the last insertion of the notice or at least 7 days after the date of posting on the
13 Internet. The notice shall specify whether sealed bids are invited or bids will be
14 accepted by auction, and shall give a clear description of the materials, supplies,
15 equipment, or contractual services to be purchased, the amount of any bond, share
16 draft, check, or other draft to be submitted as surety with the bid or prior to the
17 auction, and the date and time that the public opening or the auction will be held.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a.

27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; 2007 a. 20 ss. 102 to 103h, 9121 (6) (a); 2007 a. 97; 2009 a. 136, 180, 299; 2011 a. 32; 2011 a. 260 ss. 80, 81; 2013 a. 20, 166, 192; 2015 a. 55, 195.

1 **SECTION 4. 16.75 (6) (c) of the statutes is amended to read:**

2 **16.75 (6) (c)** If the secretary determines that it is in the best interest of this state
3 to do so, he or she may, with the approval of the governor, waive the requirements
4 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
5 services, other than printing and stationery, from a private source other than a
6 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the
7 purchase is expected to exceed ~~\$25,000~~ \$100,000, the department shall first publish
8 a class 2 notice under ch. 985 or post a notice on the Internet at the site determined
9 or approved by the department under sub. (1) (b) describing the materials, supplies,
10 equipment, or contractual services to be purchased, stating the intent to make the
11 purchase from a private source without soliciting bids or competitive sealed
12 proposals and stating the date on which the contract or purchase order will be
13 awarded. The date of the award shall be at least 7 days after the date of the last
14 insertion or the date of posting on the Internet.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; 2007 a. 20 ss. 102 to 103h, 9121 (6) (a); 2007 a. 97; 2009 a. 136, 180, 299; 2011 a. 32; 2011 a. 260 ss. 80, 81; 2013 a. 20, 166, 192; 2015 a. 55, 195.

15 **SECTION 5. 59.52 (29) (a) of the statutes is amended to read:**

16 **59.52 (29) (a)** All public work, including any contract for the construction,
17 repair, remodeling or improvement of any public work, building, or furnishing of
18 supplies or material of any kind where the estimated cost of such work will exceed
19 ~~\$25,000~~ \$100,000 shall be let by contract to the lowest responsible bidder. Any public
20 work, the estimated cost of which does not exceed ~~\$25,000~~ \$100,000, shall be let as
21 the board may direct. If the estimated cost of any public work is between \$5,000 and
22 ~~\$25,000~~ \$100,000, the board shall give a class 1 notice under ch. 985 before it
23 contracts for the work or shall contract with a person qualified as a bidder under s.

1 66.0901 (2). A contract, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall
 2 be let and entered into under s. 66.0901, except that the board may by a
 3 three-fourths vote of all the members entitled to a seat provide that any class of
 4 public work or any part thereof may be done directly by the county without
 5 submitting the same for bids. This subsection does not apply to public construction
 6 if the materials for such a project are donated or if the labor for such a project is
 7 provided by volunteers. This subsection does not apply to highway contracts which
 8 the county highway committee or the county highway commissioner is authorized by
 9 law to let or make.

History: 1995 a. 201 ss. 104, 111 to 115, 117 to 122, 124, 127, 134, 139, 140, 157, 174, 181, 185, 186, 190, 238, 242, 252 to 256, 354, 356 to 360, 414 to 419, 432; 1995 a. 225 s. 135; 1997 a. 35, 237; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104; 2005 a. 22, 59; 2007 a. 20 ss. 1846, 9121 (6) (a); 2009 a. 369; 2011 a. 32; 2013 a. 14; 2013 a. 173 s. 33; 2015 a. 55, 196.

****NOTE: Under this paragraph, if the estimated cost of a public work falls between \$5,000 and \$25,000, the county board must either publish a class 1 notice before contracting for the work or contract with a qualified bidder. Do you want to adjust the lower value given that you are raising the upper value?

10 ~~§~~ **SECTION 6.** 60.47 (2) (b) of the statutes is amended to read:

11 60.47 (2) (b) No town may enter into a public contract with a value of more than
 12 ~~\$25,000~~ \$100,000 unless the town board, or a town official or employee designated
 13 by the town board, advertises for proposals to perform the terms of the public
 14 contract by publishing a class 2 notice under ch. 985. The town board may provide
 15 for additional means of advertising for bids.

History: 1983 a. 532; 1989 a. 272; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202.

16 ~~§~~ **SECTION 7.** 60.77 (6) (a) of the statutes is amended to read:

17 60.77 (6) (a) Let contracts for any work or purchase that involves an
 18 expenditure of ~~\$25,000~~ \$100,000 or more to the lowest responsible bidder in the
 19 manner prescribed by the commission. Section 66.0901 applies to contracts let under
 20 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; 2005 a. 202; 2007 a. 72; 2011 a. 146.

21 ~~§~~ **SECTION 8.** 62.15 (1) of the statutes is amended to read:

1 **62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All
 2 public construction, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall be
 3 let by contract to the lowest responsible bidder; all other public construction shall be
 4 let as the council may direct. If the estimated cost of any public construction exceeds
 5 \$5,000 but is not greater than ~~\$25,000~~ \$100,000, the board of public works shall give
 6 a class 1 notice, under ch. 985, of the proposed construction before the contract for
 7 the construction is executed. This provision does not apply to public construction if
 8 the materials for such a project are donated or if the labor for such a project is
 9 provided 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.

History: 1975 c. 244, 390, 421; 1985 a. 183; 1987 a. 378; 1991 a. 216; 1995 a. 225, 227; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202; 2009 a. 173, 177; 2011 a. 32, 246.

subsection
 ****NOTE: Under this subsection, if the estimated cost of a public work falls between
 \$5,000 and \$25,000, the board of public works must publish a class 1 notice of the
 proposed construction before contracting for the work. Do you want to adjust the lower
 value given that you are raising the upper value?

INSERT 2-14

12 **SECTION 9.** 66.1201 (24) (a) of the statutes is amended to read:

13 **66.1201 (24) (a)** When a housing authority has the approval of the council for
 14 any project authorized under sub. (9) (a) or (b), the authority shall complete and
 15 approve plans, specifications and conditions for carrying out the project, and shall
 16 advertise by publishing a class 2 notice, under ch. 985, for bids for all work which the
 17 authority must do by contract. The authority is not required to submit for bidding
 18 any contract in an amount of ~~\$25,000~~ \$100,000 or less, but if the estimated cost of
 19 the contract is between \$10,000 and ~~\$25,000~~ \$100,000, the authority shall give a
 20 class 2 notice, under ch. 985, of the proposed work before the contract is entered into.

1 A contract subject to bidding shall be awarded to the lowest qualified and competent
2 bidder. Section 66.0901 applies to the bidding.

History: 1973 c. 172; 1975 c. 94, 221, 350; 1977 c. 418; 1979 c. 89; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 112, 190, 232; 1983 a. 24; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 189, 444; 1987 a. 27, 163; 1991 a. 316; 1993 a. 172, 184, 268, 379; 1995 a. 27, 225; 1997 a. 35; 1999 a. 150 ss. 285, 383, 384, 386, 388; Stats. 1999 s. 66.1201; 2001 a. 103, 104; 2005 a. 22; 2009 a. 95; 2015 a. 196.

****NOTE: Under this paragraph, if the estimated cost of a project falls between \$10,000 and \$25,000, a housing authority must publish a class 2 notice of the proposed work before entering into the contract. Do you want to adjust the lower value given that you are raising the upper value?

3 **SECTION 10.** 66.1333 (5) (a) 2. of the statutes is amended to read:

4 66.1333 (5) (a) 2. Enter into any contracts determined by the authority to be
5 necessary to effectuate the purposes of this section. All contracts, other than those
6 for personal or professional services, in excess of ~~\$25,000~~ \$100,000 are subject to bid
7 and shall be awarded to the lowest qualified and competent bidder. The authority
8 may reject any bid required under this paragraph. The authority shall advertise for
9 bids by a class 2 notice, under ch. 985, published in the city in which the project is
10 to be developed. If the estimated cost of a contract, other than a contract for personal
11 or professional services, is between \$3,000 and ~~\$25,000~~ \$100,000, the authority shall
12 give a class 2 notice, under ch. 985, of the proposed work before the contract is entered
13 into.

History: 1973 c. 172; 1975 c. 4, 94, 350; 1979 c. 89, 110, 221; 1981 c. 20, 112, 232; 1983 a. 24, 189; 1985 a. 219; 1987 a. 27, 403; 1989 a. 31, 89; 1991 a. 316; 1993 a. 16, 112, 177, 184, 268, 301; 1995 a. 27, 225; 1999 a. 9; 1999 a. 150 ss. 441 to 446; Stats. 1999 s. 66.1333; 1999 a. 185 s. 58; 2001 a. 30; 2003 a. 43, 320; 2005 a. 453; 2007 a. 96; 2009 a. 28, 95; 2011 a. 32; 2015 a. 196.

****NOTE: Under this subdivision, if the estimated cost of a contract falls between \$3,000 and \$25,000, a redevelopment authority must publish a class 2 notice of the proposed work before entering into the contract. Do you want to adjust the lower value given that you are raising the upper value?

14 **SECTION 11.** 88.62 (1) of the statutes is amended to read:

15 88.62 (1) The drainage board may authorize the drainage district to do its own
16 work or the board may enter into contracts to have the work done. The board may
17 advertise for bids and shall do so in all cases where the work to be done will cost in
18 excess of ~~\$25,000~~ \$100,000. When the board is required to advertise for bids, the
19 board shall publish a class 2 notice, under ch. 985, and other notices that the board

1 considers appropriate, and the work shall be let to the lowest responsible bidder
2 unless in the board's opinion the bid is unreasonably high and a lower bid can be
3 obtained. The board may continue the letting of the work from time to time, and may
4 reject any or all bids.

5 ~~History: 1987 a. 275; 1991 a. 316; 1993 a. 456; 1999 a. 9; 2007 a. 122.~~

5 **SECTION 12. 200.47 (2) (a)** of the statutes is amended to read:

6 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
7 of supplies and materials by the commission shall be by contract awarded to the
8 lowest responsible bidder complying with the invitation to bid, if the work or
9 purchase involves an expenditure of ~~\$20,000~~ \$100,000 or more. If the commission
10 decides to proceed with construction of any sewer after plans and specifications for
11 the sewer are completed and approved by the commission and by the department of
12 natural resources under ch. 281, the commission shall advertise by a class 2 notice
13 under ch. 985 for construction bids. All contracts and the awarding of contracts are
14 subject to s. 66.0901.

~~History: 1981 c. 282, 391; 1985 a. 29; 1999 a. 9; 1999 a. 150 s. 589-to-591; Stats. 1999 s. 200.47.~~

****NOTE: Although the bidding threshold under this section, which applies to projects of metropolitan sewerage districts, is \$20,000, rather than \$25,000, I assumed you would want the raise the threshold to \$100,000 as well. Please let me know if I assumed incorrectly.

Kuczenski, Tracy

From: Schaefer, Christopher
Sent: Monday, October 24, 2016 11:36 AM
To: Kuczenski, Tracy
Subject: LRB 0186 notes

Tracy:

I am just following up with you in regards to the notes in LRB 0186. In response to your question's throughout the draft, yes, we want to adjust the lower value given that we are raising the upper value. If you have any additional questions, do not hesitate to contact me.

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov

*Increase lower threshold to
\$25,000.*



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0186/P1
TKK:ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 10/25 wanted 10/28

see regm

1 **AN ACT to repeal** 16.75 (1) (b) 2.; and **to amend** 16.75 (1) (b) 1., 16.75 (1) (b) 3.,
 2 16.75 (6) (c), 59.52 (29) (a), 60.47 (2) (b), 60.77 (6) (a), 62.15 (1), 66.0901 (1) (a),
 3 66.0901 (1m) (a) (intro.), 66.0901 (1m) (b), 66.1201 (24) (a), 66.1333 (5) (a) 2.,
 4 88.62 (1) and 200.47 (2) (a) of the statutes; **relating to:** competitive bidding
 5 thresholds and requiring school districts to utilize competitive bidding.

Analysis by the Legislative Reference Bureau

This bill increases to \$100,000 the threshold above which the state or a local unit of government, including a city, village, or town, must request sealed, competitive bids from contractors seeking to undertake certain public works projects. Under current law, if the estimated cost of a public works project exceeds \$25,000, the state or local unit of government must solicit bids and award the public works contract to the lowest responsible bidder. This bill also requires a school board and the board of school directors of the Milwaukee Public Schools to comply with these bidding requirements.

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.** 16.75 (1) (b) 1. of the statutes is amended to read:

2 16.75 (1) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
3 exceeds ~~\$25,000~~ \$100,000, the department shall invite bids to be submitted.

4 **SECTION 2.** 16.75 (1) (b) 2. of the statutes is repealed.

5 **SECTION 3.** 16.75 (1) (b) 3. of the statutes is amended to read:

6 16.75 (1) (b) 3. If subd. 1. ~~or 2.~~ requires bids to be solicited, the department
7 either shall solicit sealed bids to be opened publicly at a specified date and time, or
8 shall solicit bidding by auction to be conducted electronically at a specified date and
9 time. Whenever bids are invited, due notice inviting bids shall be published as a class
10 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
11 the department. The bid opening or auction shall occur at least 7 days after the date
12 of the last insertion of the notice or at least 7 days after the date of posting on the
13 Internet. The notice shall specify whether sealed bids are invited or bids will be
14 accepted by auction, and shall give a clear description of the materials, supplies,
15 equipment, or contractual services to be purchased, the amount of any bond, share
16 draft, check, or other draft to be submitted as surety with the bid or prior to the
17 auction, and the date and time that the public opening or the auction will be held.

18 **SECTION 4.** 16.75 (6) (c) of the statutes is amended to read:

19 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
20 to do so, he or she may, with the approval of the governor, waive the requirements
21 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
22 services, other than printing and stationery, from a private source other than a
23 source specified in par. (b). ~~Except as provided in sub. (2g) (c), if the cost of the~~
24 purchase is expected to exceed ~~\$25,000~~ \$100,000, the department shall first publish
25 a class 2 notice under ch. 985 or post a notice on the Internet at the site determined

1 or approved by the department under sub. (1) (b) describing the materials, supplies,
2 equipment, or contractual services to be purchased, stating the intent to make the
3 purchase from a private source without soliciting bids or competitive sealed
4 proposals and stating the date on which the contract or purchase order will be
5 awarded. The date of the award shall be at least 7 days after the date of the last
6 insertion or the date of posting on the Internet.

7 SECTION 5. 59.52 (29) (a) of the statutes is amended to read:

8 59.52 (29) (a) All public work, including any contract for the construction,
9 repair, remodeling or improvement of any public work, building, or furnishing of
10 supplies or material of any kind where the estimated cost of such work will exceed
11 ~~\$25,000~~ \$100,000 shall be let by contract to the lowest responsible bidder. Any public
12 work, the estimated cost of which does not exceed ~~\$25,000~~ \$100,000, shall be let as
13 the board may direct. If the estimated cost of any public work is between ~~\$5,000~~ and
14 ~~\$25,000~~ \$100,000, the board shall give a class 1 notice under ch. 985 before it
15 contracts for the work or shall contract with a person qualified as a bidder under s.
16 66.0901 (2). A contract, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall
17 be let and entered into under s. 66.0901, except that the board may by a
18 three-fourths vote of all the members entitled to a seat provide that any class of
19 public work or any part thereof may be done directly by the county without
20 submitting the same for bids. This subsection does not apply to public construction
21 if the materials for such a project are donated or if the labor for such a project is
22 provided by volunteers. This subsection does not apply to highway contracts which
23 the county highway committee or the county highway commissioner is authorized by
24 law to let or make.

6
 ****NOTE: Under this paragraph, if the estimated cost of a public work falls between \$5,000 and \$25,000, the county board must either publish a class 1 notice before contracting for the work or contract with a qualified bidder. Do you want to adjust the lower value given that you are raising the upper value?

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

2 60.47 (2) (b) No town may enter into a public contract with a value of more than
 3 \$25,000 \$100,000 unless the town board, or a town official or employee designated
 4 by the town board, advertises for proposals to perform the terms of the public
 5 contract by publishing a class 2 notice under ch. 985. The town board may provide
 6 for additional means of advertising for bids.

7 **SECTION 7.** 60.77 (6) (a) of the statutes is amended to read:

8 60.77 (6) (a) Let contracts for any work or purchase that involves an
 9 expenditure of \$25,000 \$100,000 or more to the lowest responsible bidder in the
 10 manner prescribed by the commission. Section 66.0901 applies to contracts let under
 11 this paragraph.

12 **SECTION 8.** 62.15 (1) of the statutes is amended to read:

13 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All
 14 public construction, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall be
 15 let by contract to the lowest responsible bidder; all other public construction shall be
 16 let as the council may direct. If the estimated cost of any public construction exceeds
 17 ~~\$5,000~~ ^{\$25,000} but is not greater than ~~\$25,000~~ \$100,000, the board of public works shall give
 18 a class 1 notice, under ch. 985, of the proposed construction before the contract for
 19 the construction is executed. This provision does not apply to public construction if
 20 the materials for such a project are donated or if the labor for such a project is
 21 provided by volunteers. The council may also by a vote of three-fourths of all the
 22 members-elect provide by ordinance that any class of public construction or any part
 23 thereof may be done directly by the city without submitting the same for bids.

6
****NOTE: Under this subsection, if the estimated cost of a public work falls between \$5,000 and \$25,000, the board of public works must publish a class 1 notice of the proposed construction before contracting for the work. Do you want to adjust the lower value given that you are raising the upper value?

1 **SECTION 9.** 66.0901 (1) (a) of the statutes is amended to read:

2 66.0901 (1) (a) "Municipality" means the state or a town, city, village, school
3 district, board of school directors of the school district operating under ch. 119, sewer
4 district, drainage district, technical college district or other public or quasi-public
5 corporation, officer, board or other public body charged with the duty of receiving bids
6 for and awarding any public contracts.

7 **SECTION 10.** 66.0901 (1m) (a) (intro.) of the statutes is amended to read:

8 66.0901 (1m) (a) (intro.) Except when necessary to secure federal aid,
9 whenever a political subdivision, school district, or the board of school directors of the
10 school district operating under ch. 119 lets a public contract by bidding, the political
11 subdivision shall comply with all of the following:

12 **SECTION 11.** 66.0901 (1m) (b) of the statutes is amended to read:

13 66.0901 (1m) (b) Except when necessary to secure federal aid, a political
14 subdivision, school district, or the board of school directors of the school district
15 operating under ch. 119 may not use a bidding method that gives preference based
16 on the geographic location of the bidder or that uses criteria other than the lowest
17 responsible bidder in awarding a contract.

18 **SECTION 12.** 66.1201 (24) (a) of the statutes is amended to read:

19 66.1201 (24) (a) When a housing authority has the approval of the council for
20 any project authorized under sub. (9) (a) or (b), the authority shall complete and
21 approve plans, specifications and conditions for carrying out the project, and shall
22 advertise by publishing a class 2 notice, under ch. 985, for bids for all work which the
23 authority must do by contract. The authority is not required to submit for bidding

1 any contract in an amount of ~~\$25,000~~ ^{plain} \$100,000 or less, but if the estimated cost of
 2 the contract is between ~~\$10,000 and \$25,000~~ ^{and} \$100,000, the authority shall give a
 3 class 2 notice, under ch. 985, of the proposed work before the contract is entered into.
 4 A contract subject to bidding shall be awarded to the lowest qualified and competent
 5 bidder. Section 66.0901 applies to the bidding.

le *****NOTE:** Under this paragraph, if the estimated cost of a project falls between \$10,000 and \$25,000, a housing authority must publish a class 2 notice of the proposed work before entering into the contract. Do you want to adjust the lower value given that you are raising the upper value?

6 **SECTION 13.** 66.1333 (5) (a) 2. of the statutes is amended to read:

7 66.1333 (5) (a) 2. Enter into any contracts determined by the authority to be
 8 necessary to effectuate the purposes of this section. All contracts, other than those
 9 for personal or professional services, in excess of ~~\$25,000~~ \$100,000 are subject to bid
 10 and shall be awarded to the lowest qualified and competent bidder. The authority
 11 may reject any bid required under this paragraph. The authority shall advertise for
 12 bids by a class 2 notice, under ch. 985, published in the city in which the project is
 13 to be developed. If the estimated cost of a contract, other than a contract for personal
 14 or professional services, is between ~~\$3,000 and \$25,000~~ ^{plain} ^{and} \$100,000, the authority shall
 15 give a class 2 notice, under ch. 985, of the proposed work before the contract is entered
 16 into.

le *****NOTE:** Under this subdivision, if the estimated cost of a contract falls between \$3,000 and \$25,000, a redevelopment authority must publish a class 2 notice of the proposed work before entering into the contract. Do you want to adjust the lower value given that you are raising the upper value?

17 **SECTION 14.** 88.62 (1) of the statutes is amended to read:

18 88.62 (1) The drainage board may authorize the drainage district to do its own
 19 work or the board may enter into contracts to have the work done. The board may
 20 advertise for bids and shall do so in all cases where the work to be done will cost in

1 excess of ~~\$25,000~~ \$100,000. When the board is required to advertise for bids, the
2 board shall publish a class 2 notice, under ch. 985, and other notices that the board
3 considers appropriate, and the work shall be let to the lowest responsible bidder
4 unless in the board's opinion the bid is unreasonably high and a lower bid can be
5 obtained. The board may continue the letting of the work from time to time, and may
6 reject any or all bids.

7 **SECTION 15.** 200.47 (2) (a) of the statutes is amended to read:

8 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
9 of supplies and materials by the commission shall be by contract awarded to the
10 lowest responsible bidder complying with the invitation to bid, if the work or
11 purchase involves an expenditure of ~~\$20,000~~ \$100,000 or more. If the commission
12 decides to proceed with construction of any sewer after plans and specifications for
13 the sewer are completed and approved by the commission and by the department of
14 natural resources under ch. 281, the commission shall advertise by a class 2 notice
15 under ch. 985 for construction bids. All contracts and the awarding of contracts are
16 subject to s. 66.0901.

17 **6** *****NOTE:** Although the bidding threshold under this section, which applies to
projects of metropolitan sewerage districts, is \$20,000, rather than \$25,000, I assumed
you would want to raise the threshold to \$100,000 as well. Please let me know if I
assumed incorrectly.

(END)

Kuczenski, Tracy

From: Perchinsky, Dan
Sent: Tuesday, February 21, 2017 12:35 PM
To: Kuczenski, Tracy
Subject: voicemail follow up
Attachments: Bidding Threshold2.pdf

309 N
10:15 W

LPB - 01846/p2

Hi Tracy,

Do you have time to meet this week in regards the attached bill draft? My boss had a few questions in regards to the definition of a municipality and a political sub division.

Thanks

Dan Perchinsky
Administrative Assistant
Office of Representative Rob Brooks
60th Assembly District
608-267-2369



Per Broder and Dan 2/22/17

Whether 0186/82 is consistent w/ Gov. Budget? No. (d.16)
TK Per Dan: make consistent

TK any minimums w/ bid thresholds for other entities?
if appropriate to

TK take all sections 12-15 (ok to raise threshold
for cities, towns, villages) senior wage
bump

1. What if there is an emergency? Natural disaster/fire/
* examples for all entities to go through
competitive bidding process

2. Clarify what is warrant (w/ respect to s.d. bidding)
Research

easy
to
do
3? [ch. 66.0133 re: energy
120.1229 health care
federal loan program (100,000 or more through USDA)

3. What would not fall into "public contract" under s. 66.0901
Research
public work/project
buy bids vs. contract for services??
computers IT, janitorial services (private)

* How long has there been a discrepancy b/w "political
subdivision" and "advertisement" in 66.0901

Kuczenski, Tracy

From: Perchinsky, Dan
Sent: Wednesday, February 22, 2017 11:28 AM
To: Kuczenski, Tracy
Subject: language

Tracy,

Rob and I found this language for emergency situations within Wis Stat. 59.52 (29) for counties. This may be helpful in drafting an emergency exemption for schools, etc.

(29) PUBLIC WORK, HOW DONE; PUBLIC EMERGENCIES.

- (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 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$25,000, shall be let as the board may direct. If the estimated cost of any public work is between \$5,000 and \$25,000, 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, 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.
- (b) The provisions of par. (a) are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the board, in which the public health or welfare of the county is endangered. Whenever the board by majority vote at a regular or special meeting determines that an emergency no longer exists, this paragraph no longer applies.

Dan Perchinsky
Administrative Assistant
Office of Representative Rob Brooks
60th Assembly District
608-267-2369

60.47(5) exception for emergencies for public facilities damaged in towns

62.15 (1b) exception for emergencies for public facilities damaged in cities

61.54 makes 62.15(1b) applicable to villages

counties ↑

62.15 59.52(29)

QP: Require s.d. to let bids in the manner provided for cities or towns
- above certain threshold? b/t towns
- advertise for bids? (class for 2 notices?) follow cities to the extent applicable?
- establish manner



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0186/P2 e P3
TKK:ahc
CMAH
==

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION inserts

in 2/27 ~~wanted~~ 3/2

Regent ✓

1 AN ACT *to repeal* 16.75 (1) (b) 2.; and *to amend* 16.75 (1) (b) 1., 16.75 (1) (b) 3.,
2 16.75 (6) (c), 59.52 (29) (a), 60.47 (2) (b), 60.77 (6) (a), 62.15 (1), 66.0901 (1) (a),
3 66.0901 (1m) (a) (intro.), 66.0901 (1m) (b), 66.1201 (24) (a), 66.1333 (5) (a) 2.,
4 88.62 (1) and 200.47 (2) (a) of the statutes; **relating to:** competitive bidding
5 thresholds and requiring school districts to utilize competitive bidding.
, private source purchasing thresholds,

Analysis by the Legislative Reference Bureau

This bill increases to \$100,000 the threshold above which the state or a local unit of government, including a city, village, or town, must request sealed, competitive bids from contractors seeking to undertake certain public works projects. Under current law, if the estimated cost of a public works project exceeds \$25,000, the state or local unit of government must solicit bids and award the public works contract to the lowest responsible bidder. This bill also requires a school board and the board of school directors of the Milwaukee Public Schools to comply with these bidding requirements.

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

Insert analysis

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

Inse A2-1

1 **SECTION 1.** 16.75 (1) (b) 1. of the statutes is amended to read:

2 16.75 (1) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
3 exceeds ~~\$25,000~~ \$100,000, the department shall invite bids to be submitted.

4 **SECTION 2.** 16.75 (1) (b) 2. of the statutes is repealed.

5 **SECTION 3.** 16.75 (1) (b) 3. of the statutes is amended to read:

6 16.75 (1) (b) 3. If subd. 1. ~~or 2.~~ requires bids to be solicited, the department
7 either shall solicit sealed bids to be opened publicly at a specified date and time, or
8 shall solicit bidding by auction to be conducted electronically at a specified date and
9 time. Whenever bids are invited, due notice inviting bids shall be published as a class
10 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
11 the department. The bid opening or auction shall occur at least 7 days after the date
12 of the last insertion of the notice or at least 7 days after the date of posting on the
13 Internet. The notice shall specify whether sealed bids are invited or bids will be
14 accepted by auction, and shall give a clear description of the materials, supplies,
15 equipment, or contractual services to be purchased, the amount of any bond, share
16 draft, check, or other draft to be submitted as surety with the bid or prior to the
17 auction, and the date and time that the public opening or the auction will be held.

18 **SECTION 4.** 16.75 (6) (c) of the statutes is amended to read:

19 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
20 to do so, he or she may, with the approval of the governor, waive the requirements
21 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
22 services, other than printing and stationery, from a private source other than a
23 source specified in par. (b). ~~Except as provided in sub. (2g) (c), if the cost of the~~
24 purchase is expected to exceed ~~\$25,000~~ \$100,000, the department shall first publish
25 a class 2 notice under ch. 985 or post a notice on the Internet at the site determined

1 or approved by the department under sub. (1) (b) describing the materials, supplies,
2 equipment, or contractual services to be purchased, stating the intent to make the
3 purchase from a private source without soliciting bids or competitive sealed
4 proposals and stating the date on which the contract or purchase order will be
5 awarded. The date of the award shall be at least 7 days after the date of the last
6 insertion or the date of posting on the Internet.

7 **SECTION 5.** 59.52 (29) (a) of the statutes is amended to read:

8 59.52 (29) (a) All public work, including any contract for the construction,
9 repair, remodeling or improvement of any public work, building, or furnishing of
10 supplies or material of any kind where the estimated cost of such work will exceed
11 ~~\$25,000~~ \$100,000 shall be let by contract to the lowest responsible bidder. Any public
12 work, the estimated cost of which does not exceed ~~\$25,000~~ \$100,000, shall be let as
13 the board may direct. If the estimated cost of any public work is between ~~\$5,000~~ and
14 \$25,000 and \$100,000, the board shall give a class 1 notice under ch. 985 before it
15 contracts for the work or shall contract with a person qualified as a bidder under s.
16 66.0901 (2). A contract, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall
17 be let and entered into under s. 66.0901, except that the board may by a
18 three-fourths vote of all the members entitled to a seat provide that any class of
19 public work or any part thereof may be done directly by the county without
20 submitting the same for bids. This subsection does not apply to public construction
21 if the materials for such a project are donated or if the labor for such a project is
22 provided by volunteers. This subsection does not apply to highway contracts which
23 the county highway committee or the county highway commissioner is authorized by
24 law to let or make.

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

Insert 3-25

1 60.47 (2) (b) No town may enter into a public contract with a value of more than
2 \$25,000 \$100,000 unless the town board, or a town official or employee designated
3 by the town board, advertises for proposals to perform the terms of the public
4 contract by publishing a class 2 notice under ch. 985. The town board may provide
5 for additional means of advertising for bids.

6 ✓ **SECTION 7.** 60.77 (6) (a) of the statutes is amended to read:

7 60.77 (6) (a) Let contracts for any work or purchase that involves an
8 expenditure of \$25,000 \$100,000 or more to the lowest responsible bidder in the
9 manner prescribed by the commission. Section 66.0901 applies to contracts let under
10 this paragraph.

11 - **SECTION 8.** 62.15 (1) of the statutes is amended to read:

12 **62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** All
13 public construction, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall be
14 let by contract to the lowest responsible bidder; all other public construction shall be
15 let as the council may direct. If the estimated cost of any public construction exceeds
16 ~~\$5,000~~ \$25,000 but is not greater than ~~\$25,000~~ \$100,000, the board of public works
17 shall give a class 1 notice, under ch. 985, of the proposed construction before the
18 contract for the construction is executed. This provision does not apply to public
19 construction if the materials for such a project are donated or if the labor for such a
20 project is provided by volunteers. The council may also by a vote of three-fourths of
21 all the members-elect provide by ordinance that any class of public construction or
22 any part thereof may be done directly by the city without submitting the same for
23 bids.

24 **SECTION 9.** 66.0901 (1) (a) of the statutes is amended to read:

~~NOTE~~ ^{CS} NOTE: This paragraph governs contracts for town sanitary districts. Do
you want to retain the higher bidding threshold? If so, do you want
to create an exception to the requirements for emergencies as exists

1 66.0901 (1) (a) "Municipality" means the state or a town, city, village, school
2 district, board of school directors of the school district operating under ch. 119, sewer
3 district, drainage district, technical college district or other public or quasi-public
4 corporation, officer, board or other public body charged with the duty of receiving bids
5 for and awarding any public contracts.

6 ~~SECTION 10.~~ 66.0901 (1m) (a) (intro.) of the statutes is amended to read:

7 66.0901 (1m) (a) (intro.) Except when necessary to secure federal aid,
8 whenever a political subdivision, school district, or the board of school directors of the
9 school district operating under ch. 119 lets a public contract by bidding, the political
10 subdivision ^{↑ school district ↑ or board of school directors} shall comply with all of the following:

11 SECTION 11. 66.0901 (1m) (b) of the statutes is amended to read:

12 66.0901 (1m) (b) Except when necessary to secure federal aid, a political
13 subdivision, school district, or the board of school directors of the school district
14 operating under ch. 119 may not use a bidding method that gives preference based
15 on the geographic location of the bidder or that uses criteria other than the lowest
16 ~~responsible~~ bidder in awarding a contract.

17 SECTION 12. 66.1201 (24) (a) of the statutes is amended to read:

18 66.1201 (24) (a) When a housing authority has the approval of the council for
19 any project authorized under sub. (9) (a) or (b), the authority shall complete and
20 approve plans, specifications and conditions for carrying out the project, and shall
21 advertise by publishing a class 2 notice, under ch. 985, for bids for all work which the
22 authority must do by contract. The authority is not required to submit for bidding
23 any contract in an amount of ~~\$25,000~~ \$100,000 or less, but if the estimated cost of
24 the contract is between ~~\$10,000 and \$25,000~~ and \$100,000, the authority shall give
25 a class 2 notice, under ch. 985, of the proposed work before the contract is entered

Insert 5-17

1 into. A contract subject to bidding shall be awarded to the lowest qualified and
2 competent bidder. Section 66.0901 applies to the bidding.

3 **SECTION 13.** 66.1333 (5) (a) 2. of the statutes is amended to read:

4 66.1333 (5) (a) 2. Enter into any contracts determined by the authority to be
5 necessary to effectuate the purposes of this section. All contracts, other than those
6 for personal or professional services, in excess of ~~\$25,000~~ \$100,000 are subject to bid
7 and shall be awarded to the lowest qualified and competent bidder. The authority
8 may reject any bid required under this paragraph. The authority shall advertise for
9 bids by a class 2 notice, under ch. 985, published in the city in which the project is
10 to be developed. If the estimated cost of a contract, other than a contract for personal
11 or professional services, is between ~~\$3,000 and \$25,000~~ and \$100,000, the authority
12 shall give a class 2 notice, under ch. 985, of the proposed work before the contract is
13 entered into.

14 **SECTION 14.** 88.62 (1) of the statutes is amended to read:

15 88.62 (1) The drainage board may authorize the drainage district to do its own
16 work or the board may enter into contracts to have the work done. The board may
17 advertise for bids and shall do so in all cases where the work to be done will cost in
18 excess of ~~\$25,000~~ \$100,000. When the board is required to advertise for bids, the
19 board shall publish a class 2 notice, under ch. 985, and other notices that the board
20 considers appropriate, and the work shall be let to the lowest responsible bidder
21 unless in the board's opinion the bid is unreasonably high and a lower bid can be
22 obtained. The board may continue the letting of the work from time to time, and may
23 reject any or all bids.

24 **SECTION 15.** 200.47 (2) (a) of the statutes is amended to read:

1 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
2 of supplies and materials by the commission shall be by contract awarded to the
3 lowest responsible bidder complying with the invitation to bid, if the work or
4 purchase involves an expenditure of \$20,000 \$100,000 or more. If the commission
5 decides to proceed with construction of any sewer after plans and specifications for
6 the sewer are completed and approved by the commission and by the department of
7 natural resources under ch. 281, the commission shall advertise by a class 2 notice
8 under ch. 985 for construction bids. All contracts and the awarding of contracts are
9 subject to s. 66.0901.

10

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0744/P2
CMH:jld

Insert

DOA:.....Stinebrink, BB0088 - Procurement thresholds

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

5a

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

In addition;

Under current law, if a state agency makes a purchase for which the estimated cost exceeds \$50,000, DOA must invite bids or solicit proposals. This bill increases that threshold to \$100,000 and allows agencies to which DOA has delegated purchasing authority to invite the bids or solicit the proposals. Current law requires governor approval if the secretary of administration determines it is in the best interest of the state to waive general bidding requirements in state procurement and purchase supplies, material, equipment, or contractual services from a private source. Under this bill, the secretary may waive the requirements and make the purchase without governor approval if the cost of the purchase is between \$25,000 and \$150,000.

Insert analysis

the department of administration

For further information see the *state* 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:

- 2 SECTION 1. 16.75 (1) (b) 1. and 3. of the statutes are consolidated, renumbered
- 3 16.75 (1) (b) and amended to read:

Begin insert 2-1

1 16.75 (1) (b) ~~Except as provided in subd. 2., when~~ When the estimated cost
2 exceeds \$25,000 ~~\$100,000~~, the department, or an agency to which the department
3 delegates purchasing authority under s. 16.71 (1), shall invite bids to be submitted.

4 ~~3.~~ If subd. 1. or 2. requires bids to be are solicited, the department or designated
5 agency either shall solicit sealed bids to be opened publicly at a specified date and
6 time, or shall solicit bidding by auction to be conducted electronically at a specified
7 date and time. Whenever bids are invited, due notice inviting bids shall be published
8 as a class 2 notice, under ch. 985 or posted on the Internet at a site determined or
9 approved by the department. The bid opening or auction shall occur at least 7 days
10 after the date of the last insertion of the notice or at least 7 days after the date of
11 posting on the Internet. The notice shall specify whether sealed bids are invited or
12 bids will be accepted by auction, and shall give a clear description of the materials,
13 supplies, equipment, or contractual services to be purchased, the amount of any
14 bond, share draft, check, or other draft to be submitted as surety with the bid or prior
15 to the auction, and the date and time that the public opening or the auction will be
16 held.

17 **SECTION 2.** 16.75 (1) (b) 2. of the statutes is repealed.

18 ~ **SECTION 3.** 16.75 (2m) (b) 1. and 3. of the statutes are consolidated, renumbered
19 16.75 (2m) (b) and amended to read:

20 16.75 (2m) (b) ~~Except as provided in subd. 2., when~~ When the estimated cost
21 exceeds \$25,000 ~~\$100,000~~, the department, or an agency to which the department
22 delegates purchasing authority under s. 16.71 (1), may invite competitive sealed
23 proposals. ~~3.~~ If competitive sealed proposals are invited, ~~the department shall~~
24 publish due notice seeking proposals shall be published as a class 2 notice under ch.
25 985 or post notice posted on the Internet at a site determined or approved by the

1 department. The notice shall describe the materials, supplies, equipment, or
2 contractual services to be purchased, the intent to make the procurement by
3 solicitation of proposals rather than by solicitation of bids, any requirement for
4 surety and the date the proposals will be opened, which shall be at least 7 days after
5 the date of the last insertion of the notice or at least 7 days after the date of posting
6 on the Internet.

7 ✓ SECTION 4. 16.75 (2m) (b) 2. of the statutes is repealed.

8 ✓ SECTION 5. 16.75 (6) (c) of the statutes is amended to read:

9 16.75 (6) (c) ~~If the secretary determines that it is in the best interest of this state~~
10 ~~to do so, he or she may, with the approval of the governor, waive the requirements~~
11 ~~of subs. (1) to (5) may be waived and may purchase supplies, material, equipment,~~
12 ~~or contractual services, other than printing and stationery, may be purchased from~~
13 ~~a private source other than a source specified in par. (b). If the cost of the purchase~~
14 ~~is expected to exceed \$25,000 but not exceed \$150,000, the secretary must approve~~
15 ~~the waiver, and if the cost of the purchase is expected to exceed \$150,000, the~~
16 ~~governor must approve the waiver.~~ Except as provided in sub. (2g) (c), if the cost of
17 the purchase is expected to exceed \$25,000, the department shall first publish a class
18 2 notice under ch. 985 or post a notice on the Internet at the site determined or
19 approved by the department under sub. (1) (b) describing the materials, supplies,
20 equipment, or contractual services to be purchased, stating the intent to make the
21 purchase from a private source without soliciting bids or competitive sealed
22 proposals and stating the date on which the contract or purchase order will be
23 awarded. The date of the award shall be at least 7 days after the date of the last
24 insertion or the date of posting on the Internet.

25 SECTION 9301. Initial applicability; Administration.

(B)
SECTION #. Initial applicability (B)

End Insert 2-1

stat

SECTION 9301

59.52(29)(a), 60.47(2)(b), 60.77(6)(a), 62.15(1), 66.0901(1m)(a) (intro.) and 120.12(5m)(b)

1

(1) BIDS THRESHOLD. The treatment of section 16.75 (1) (b) 1., 2., and 3. of the statutes first applies to bids solicited on the effective date of this subsection.

2

3

(2) PROPOSAL THRESHOLD. The treatment of section 16.75 (2m) (b) 1., 2., and 3. of the statutes first applies to proposals invited on the effective date of this subsection.

4

5

6

(3) SOLE SOURCE THRESHOLD. The treatment of section 16.75 (6) (c) of the statutes first applies to purchases made on the effective date of this subsection.

7

8

(END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0186/P2ins
TKK:ahc

56V

INSERT 3-25

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

2 60.47 (1) (a) “Public contract” means a contract for the construction, execution,
3 repair, remodeling or improvement of any public work or building or for the
4 furnishing of materials or supplies, with an estimated cost greater than \$5,000
5 \$25,000.

History: 1983 a. 532; 1989 a. 272; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202.

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

7 60.47 (2) (a) No town may enter into a public contract with an estimated cost
8 of more than ~~\$5,000~~ \$25,000 but not more than ~~\$25,000~~ \$100,000 unless the town
9 board, or a town official or employee designated by the town board, gives a class 1
10 notice under ch. 985 before execution of that public contract.

History: 1983 a. 532; 1989 a. 272; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202.

INSERT 5-17

11 † **SECTION 3.** 119.04 (1) of the statutes is amended to read:

12 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
13 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
14 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
15 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
16 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
17 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
18 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,
19 118.55, 118.56, 120.12 (2m), (4m), (5), (5m), and (15) to (27), 120.125, 120.127, 120.13
20 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137,
21 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district

1 and board but not, unless explicitly provided in this chapter or in the terms of a
2 contract, to the commissioner or to any school transferred to an opportunity schools
3 and partnership program.

NOTE: NOTE: Sub. (1) is shown as affected by 2015 Wis. Acts 55 and 92 and as merged by the legislative reference bureau under s. 13.92 (2) (i).

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; 2011 a. 10, 32, 85, 157, 166, 172; 2013 a. 20, 336; 2015 a. 55, 92; s. 13.92 (2) (i).

4 SECTION 4. 120.12 (5m) of the statutes is created to read:

5 120.12 (5m) CONTRACTS; ADVERTISING FOR BIDS; CONTRACTS TO LOWEST
6 RESPONSIBLE BIDDER; EXCEPTION FOR EMERGENCIES. (a) Subject to s. 120.127, before
7 entering into a contract for the construction, execution, repair, remodeling, or
8 improvement of any public school building or facilities or for the furnishing of
9 materials or supplies with an estimated cost greater than \$25,000 but not more than
10 \$100,000, give or direct the school district clerk to give a class 1 notice under ch. 985
11 of that contract or contract with a person qualified as a bidder under s. 66.0901 (2).

12 (b) Subject to s. 120.127, before entering into a contract for the construction,
13 execution, repair, remodeling, or improvement of any public school building or
14 facilities or for the furnishing of materials or supplies with an estimated cost greater
15 than \$100,000, advertise or direct the school district clerk to advertise for proposals
16 to perform the terms of the contract by publishing a class 2 notice under ch. 985. The
17 school board may provide for additional means of advertising for bids. The school
18 board shall let a public contract for which advertising for proposals is required under
19 this paragraph to the lowest responsible bidder. Section 66.0901 applies to public
20 contracts let under this paragraph.

21 SECTION 5. 120.127 of the statutes is created to read:

22 120.127 Exception to requirement for notice and bidding of contracts
23 in case of emergency. The provisions of s. 120.12 (5m) are not mandatory for the

1 repair or reconstruction of a public school building or facilities when damage or
2 threatened damage thereto creates an emergency, as determined by resolution of the
3 school board, in which the public health or welfare of the school district is
4 endangered. Whenever the school board by majority vote at a regular or special
5 meeting determines that an emergency no longer exists, this section no longer
6 applies.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Friday, March 03, 2017 2:59 PM
To: Mueller, Eric
Subject: FW: horizontal project language
Attachments: Wis. Stat. 59.52(29) Proposed Amendments.pdf

Hi Eric –

Marc suggested I forward this to you; Rep. Brooks would like to add these provisions to my bill (LRB-0186/P3). Let me know if you have any questions. You could create it as an insert with an analysis; I'll be putting out a /P4 early next week.

Thanks!

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Perchinsky, Dan
Sent: Friday, March 03, 2017 11:42 AM
To: Kuczenski, Tracy <Tracy.Kuczenski@legis.wisconsin.gov>
Subject: horizontal project language

Tracy,

Nice meeting with you again on bidding thresholds. Attached is the proposed language.

Let me know if you have any questions.

Dan Perchinsky
Administrative Assistant
Office of Representative Rob Brooks
60th Assembly District
608-267-2369

March 7, 2017

Per Dan –

- lower thresholds for LGUs (and school districts) to \$ 75,000
- remove from sanitary districts
- remove "execute" on p. 7, ln. 23
8, ln. 4

Proposed Amendments to Wis. Stat. s. 59.52(29)

Wis. Stat. s. 59.52(29):

(a) Except for public work relating solely to constructing, repairing, or maintaining public roads which are in the control of or are the responsibility of a county, aAll 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 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$~~25~~__,000, shall be let as the board may direct. If the estimated cost of any public work is between \$~~5~~__,000 and \$~~25~~__,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, 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.

(b) All public work related solely to constructing, repairing, or maintaining public roads which are in the control of or are the responsibility of a county where the estimated cost of such work will exceed \$25,000 shall be let by contract to the lowest responsible bidder. Any public work contract covered under this subsection, the estimated cost of which does not exceed \$25,000, shall be let as the board may direct. If the estimated cost of any public work covered under this subsection is between \$5,000 and \$25,000, 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 covered under this subsection, the estimated cost of which exceeds \$25,000, 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 covered under this subsection or any part thereof may be done directly by the county without submitting the same for bids. This subsection does not apply to construction projects where 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.

~~(c)~~ The provisions of par. (a) and (b) are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the board, in which the public health or welfare of the county is endangered. Whenever the board by majority vote at a regular or special meeting determines that an emergency no longer exists, this paragraph no longer applies.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0186/P3 p4
TKK/CMH:ah
EVM
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

in 3/7

Wanted 2/9

sa ✓

regen ✓

1 AN ACT to repeal 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; to consolidate, renumber
2 and amend 16.75 (1) (b) 1. and 3. and 16.75 (2m) (b) 1. and 3.; to amend 16.75
3 (6) (c), 59.52 (29) (a), 60.47 (1) (a), 60.47 (2) (a), 60.47 (2) (b), 60.77 (6) (a), 62.15
4 (1), 66.0901 (1) (a), 66.0901 (1m) (a) (intro.), 66.0901 (1m) (b) and 119.04 (1); and
5 to create 120.12 (5m) and 120.127 of the statutes; relating to: competitive
6 bidding thresholds, private source purchasing thresholds, and requiring school
7 districts to utilize competitive bidding.

With an exception, the bill increases
to \$75,000 the threshold
governing sealed competitive bids
that is applicable
to a local unit
of government

Analysis by the Legislative Reference Bureau

This bill increases to \$100,000 the threshold above which the state or a local unit of government must request sealed, competitive bids from contractors seeking to undertake certain public works projects. Under current law, if the estimated cost of a public works project exceeds \$25,000, the state or local unit of government must solicit bids and award the public works contract to the lowest responsible bidder.

In addition, this bill allows agencies to which the Department of Administration has delegated purchasing authority to invite the bids or solicit the proposals. Current law requires governor approval if the secretary of administration determines it is in the best interest of the state to waive general bidding requirements in state procurement and purchase supplies, material, equipment, or contractual services from a private source. Under this bill, the secretary may waive

*

the requirements and make the purchase without governor approval if the cost of the purchase is between \$25,000 and \$150,000.

This bill also requires a school board and the board of school directors of the Milwaukee Public Schools to comply with these bidding requirements.

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.** 16.75 (1) (b) 1. and 3. of the statutes are consolidated, renumbered
2 16.75 (1) (b) and amended to read:

3 16.75 (1) (b) ~~Except as provided in subd. 2., when~~ When the estimated cost
4 exceeds \$25,000 ~~\$100,000~~, the department, or an agency to which the department
5 delegates purchasing authority under s. 16.71 (1), shall invite bids to be submitted.

6 ~~-3. If subd. 1. or 2. requires bids to be~~ are solicited, the department or designated
7 agency either shall solicit sealed bids to be opened publicly at a specified date and
8 time, or shall solicit bidding by auction to be conducted electronically at a specified
9 date and time. Whenever bids are invited, due notice inviting bids shall be published
10 as a class 2 notice, under ch. 985 or posted on the Internet at a site determined or
11 approved by the department. The bid opening or auction shall occur at least 7 days
12 after the date of the last insertion of the notice or at least 7 days after the date of
13 posting on the Internet. The notice shall specify whether sealed bids are invited or
14 bids will be accepted by auction, and shall give a clear description of the materials,
15 supplies, equipment, or contractual services to be purchased, the amount of any
16 bond, share draft, check, or other draft to be submitted as surety with the bid or prior
17 to the auction, and the date and time that the public opening or the auction will be
18 held.

19 **SECTION 2.** 16.75 (1) (b) 2. of the statutes is repealed.

1 **SECTION 3.** 16.75 (2m) (b) 1. and 3. of the statutes are consolidated, renumbered
2 16.75 (2m) (b) and amended to read:

3 16.75 (2m) (b) ~~Except as provided in subd. 2., when~~ When the estimated cost
4 exceeds \$25,000 ~~\$100,000~~, the department, or an agency to which the department
5 delegates purchasing authority under s. 16.71 (1), may invite competitive sealed
6 proposals. ~~-3. If competitive sealed proposals are invited, the department shall~~
7 publish due notice seeking proposals shall be published as a class 2 notice under ch.
8 985 or post notice posted on the Internet at a site determined or approved by the
9 department. The notice shall describe the materials, supplies, equipment, or
10 contractual services to be purchased, the intent to make the procurement by
11 solicitation of proposals rather than by solicitation of bids, any requirement for
12 surety and the date the proposals will be opened, which shall be at least 7 days after
13 the date of the last insertion of the notice or at least 7 days after the date of posting
14 on the Internet.

15 **SECTION 4.** 16.75 (2m) (b) 2. of the statutes is repealed.

16 **SECTION 5.** 16.75 (6) (c) of the statutes is amended to read:

17 16.75 (6) (c) ~~If the secretary determines that it is in the best interest of this state~~
18 ~~to do so, he or she may, with the approval of the governor, waive the requirements~~
19 ~~of subs. (1) to (5) may be waived and may purchase~~ supplies, material, equipment,
20 or contractual services, other than printing and stationery, may be purchased from
21 a private source other than a source specified in par. (b). If the cost of the purchase
22 is expected to exceed \$25,000 but not exceed \$150,000, the secretary must approve
23 the waiver, and if the cost of the purchase is expected to exceed \$150,000, the
24 governor must approve the waiver. Except as provided in sub. (2g) (c), if the cost of
25 the purchase is expected to exceed \$25,000, the department shall first publish a class

1 notice under ch. 985 or post a notice on the Internet at the site determined or
2 approved by the department under sub. (1) (b) describing the materials, supplies,
3 equipment, or contractual services to be purchased, stating the intent to make the
4 purchase from a private source without soliciting bids or competitive sealed
5 proposals and stating the date on which the contract or purchase order will be
6 awarded. The date of the award shall be at least 7 days after the date of the last
7 insertion or the date of posting on the Internet.

8 **SECTION 6.** 59.52 (29) (a) of the statutes is amended to read:

9 59.52 (29) (a) All public work, including any contract for the construction,
10 repair, remodeling or improvement of any public work, building, or furnishing of
11 supplies or material of any kind where the estimated cost of such work will exceed
12 ~~\$25,000~~ \$100,000 shall be let by contract to the lowest responsible bidder. Any public
13 work, the estimated cost of which does not exceed ~~\$25,000~~ \$100,000, shall be let as
14 the board may direct. If the estimated cost of any public work is between ~~\$5,000 and~~
15 ~~\$25,000~~ and \$100,000, the board shall give a class 1 notice under ch. 985 before it
16 contracts for the work or shall contract with a person qualified as a bidder under s.
17 66.0901 (2). A contract, the estimated cost of which exceeds ~~\$25,000~~ \$100,000, shall
18 be let and entered into under s. 66.0901, except that the board may by a
19 three-fourths vote of all the members entitled to a seat provide that any class of
20 public work or any part thereof may be done directly by the county without
21 submitting the same for bids. This subsection does not apply to public construction
22 if the materials for such a project are donated or if the labor for such a project is
23 provided by volunteers. This subsection does not apply to highway contracts which
24 the county highway committee or the county highway commissioner is authorized by
25 law to let or make.

1 SECTION 7. 60.47 (1) (a) of the statutes is amended to read:

2 60.47 (1) (a) "Public contract" means a contract for the construction, execution,
3 repair, remodeling or improvement of any public work or building or for the
4 furnishing of materials or supplies, with an estimated cost greater than \$5,000
5 \$25,000.

6 SECTION 8. 60.47 (2) (a) of the statutes is amended to read:

7 60.47 (2) (a) No town may enter into a public contract with an estimated cost
8 of more than \$5,000 \$25,000 but not more than \$25,000 \$100,000 unless the town
9 board, or a town official or employee designated by the town board, gives a class 1
10 notice under ch. 985 before execution of that public contract.

11 SECTION 9. 60.47 (2) (b) of the statutes is amended to read:

12 60.47 (2) (b) No town may enter into a public contract with a value of more than
13 \$25,000 \$100,000 unless the town board, or a town official or employee designated
14 by the town board, advertises for proposals to perform the terms of the public
15 contract by publishing a class 2 notice under ch. 985. The town board may provide
16 for additional means of advertising for bids.

17 SECTION 10. 60.77 (6) (a) of the statutes is amended to read:

18 60.77 (6) (a) Let contracts for any work or purchase that involves an
19 expenditure of \$25,000 \$100,000 or more to the lowest responsible bidder in the
20 manner prescribed by the commission. Section 66.0901 applies to contracts let under
21 this paragraph.

****NOTE: This paragraph governs contracts for town sanitary districts. Do you want to retain the higher bidding threshold? If so, do you want to create an exception to the requirement for emergencies as exists for counties, towns, villages, and cities?

22 SECTION 11. 62.15 (1) of the statutes is amended to read:

1 62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All
2 public construction, the estimated cost of which exceeds \$25,000 ~~(\$100,000)~~ ^{\$ 75,000}, shall be
3 let by contract to the lowest responsible bidder; all other public construction shall be
4 let as the council may direct. If the estimated cost of any public construction exceeds
5 \$5,000 ~~\$25,000~~ but is not greater than \$25,000 ~~(\$100,000)~~ ^{\$ 75,000}, the board of public works
6 shall give a class 1 notice, under ch. 985, of the proposed construction before the
7 contract for the construction is executed. This provision does not apply to public
8 construction if the materials for such a project are donated or if the labor for such a
9 project is provided by volunteers. The council may also by a vote of three-fourths of
10 all the members-elect provide by ordinance that any class of public construction or
11 any part thereof may be done directly by the city without submitting the same for
12 bids.

13 **SECTION 12.** 66.0901 (1) (a) of the statutes is amended to read:

14 66.0901 (1) (a) "Municipality" means the state or a town, city, village, school
15 district, board of school directors of the school district operating under ch. 119, sewer
16 district, drainage district, technical college district or other public or quasi-public
17 corporation, officer, board or other public body charged with the duty of receiving bids
18 for and awarding any public contracts.

19 **SECTION 13.** 66.0901 (1m) (a) (intro.) of the statutes is amended to read:

20 66.0901 (1m) (a) (intro.) Except when necessary to secure federal aid,
21 whenever a political subdivision, school district, or the board of school directors of the
22 school district operating under ch. 119 lets a public contract by bidding, the political
23 subdivision, school district, or board of school directors shall comply with all of the
24 following:

25 **SECTION 14.** 66.0901 (1m) (b) of the statutes is amended to read:

1 66.0901 **(1m)** (b) Except when necessary to secure federal aid, a political
2 subdivision, school district, or the board of school directors of the school district
3 operating under ch. 119 may not use a bidding method that gives preference based
4 on the geographic location of the bidder or that uses criteria other than the lowest
5 responsible bidder in awarding a contract.

6 **SECTION 15.** 119.04 (1) of the statutes is amended to read:

7 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
8 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
9 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
10 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
11 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
12 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
13 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,
14 118.55, 118.56, 120.12 (2m), (4m), (5), (5m), and (15) to (27), 120.125, 120.127, 120.13
15 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137,
16 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district
17 and board but not, unless explicitly provided in this chapter or in the terms of a
18 contract, to the commissioner or to any school transferred to an opportunity schools
19 and partnership program.

20 **SECTION 16.** 120.12 (5m) of the statutes is created to read:

21 120.12 **(5m)** CONTRACTS; ADVERTISING FOR BIDS; CONTRACTS TO LOWEST
22 RESPONSIBLE BIDDER; EXCEPTION FOR EMERGENCIES. (a) Subject to s. 120.127, before
23 entering into a contract for the construction, execution, repair, remodeling, or
24 improvement of any public school building or facilities or for the furnishing of
25 ~~materials or supplies~~ with an estimated cost greater than \$25,000 but not more than

\$ 75 ↑ 000

1 \$100,000 give or direct the school district clerk to give a class 1 notice under ch. 985
2 of that contract or contract with a person qualified as a bidder under s. 66.0901 (2).

3 (b) Subject to s. 120.127, before entering into a contract for the construction,

4 execution, repair, remodeling, or improvement of any public school building or

5 facilities or for the furnishing of materials or supplies with an estimated cost greater

6 than \$100,000 ^{\$ 75 ↑ 000} advertise or direct the school district clerk to advertise for proposals

7 to perform the terms of the contract by publishing a class 2 notice under ch. 985. The

8 school board may provide for additional means of advertising for bids. The school

9 board shall let a public contract for which advertising for proposals is required under

10 this paragraph to the lowest responsible bidder. Section 66.0901 applies to public

11 contracts let under this paragraph.

12 **SECTION 17.** 120.127 of the statutes is created to read:

13 **120.127 Exception to requirement for notice and bidding of contracts**

14 **in case of emergency.** The provisions of s. 120.12 (5m) are not mandatory for the

15 repair or reconstruction of a public school building or facilities when damage or

16 threatened damage thereto creates an emergency, as determined by resolution of the

17 school board, in which the public health or welfare of the school district is

18 endangered. Whenever the school board by majority vote at a regular or special

19 meeting determines that an emergency no longer exists, this section no longer

20 applies.

21 **SECTION 18. Initial applicability.**

22 (1) BIDS THRESHOLD. The treatment of sections 16.75 (1) (b) 1., 2., and 3., 59.52

23 (29) (a), 60.47 (2) (b), 60.77 (6) (a), 62.15 (1), 66.0901 (1m) (a) (intro.), and 120.12 (5m)

24 (b) of the statutes [↑] first apply to bids solicited on the effective date of this subsection.

the renumbering and amendment of section 59.52 (29) (a) of the statutes, and the creation of section 59.52 (29) (a) 2. of

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0186/P4ins
TKK&CMH:ah

1 INS 4-25

2

3

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

4

5

59.52 (29) (a) 1. a. All Except as provided in subd. 2., 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

7

8

cost of such work will exceed \$25,000 ~~\$100,000~~ ^{e \$75,000} shall be let by contract to the lowest

9

responsible bidder. Any c. Except as provided in subd. 2., all public work, the

10

estimated cost of which does not exceed \$25,000 ~~\$100,000~~ ^{e \$75,000}, shall be let as the board

11

may direct. If d. Except as provided in subd. 2., if the estimated cost of any public

12

work is between \$5,000 and \$25,000 and ~~\$100,000~~ ^{e \$75,000}, the board shall give a class 1

13

notice under ch. 985 before it contracts for the work or shall contract with a person

14

qualified as a bidder under s. 66.0901 (2). A b. Except as provided in subd. 2., a

15

contract, the estimated cost of which exceeds \$25,000 ~~\$100,000~~ ^{e \$75,000}, shall be let and

16

entered into under s. 66.0901, except that the board may by a three-fourths vote of

17

all the members entitled to a seat provide that any class of public work or any part

18

thereof may be done directly by the county without submitting the same for bids. (c)

19

This subsection does not apply to public construction if the materials for such a

20

project are donated or if the labor for such a project is provided by volunteers. (d) This

21

subsection does not apply to highway contracts which the county highway committee

22

or the county highway commissioner is authorized by law to let or make.

1 **SECTION 2.** 59.52 (29) (a) 2. of the statutes is created to read:

2 59.52 (29) (a) 2. a. In this subdivision, "public road project" means a public
3 work project involving the construction, repair, or maintenance of a public road of
4 which the county is in control or for which the county is responsible.

 ***NOTE: Does this provision accurately capture your intent? Do you want to be
 any more specific regarding a county's control or responsibility for a public road?

5 b. If the estimated cost of a public road project exceeds \$25,000, the board shall
6 let the project by contract to the lowest responsible bidder.

7 c. If the estimated cost of a public road project exceeds \$25,000, the board shall
8 let the project by contract and enter into the contract under s. 66.0901, except that
9 the board may, by a three-fourths vote of all the members entitled to a seat, provide
10 that any portion of the project may be completed directly by the county without
11 submitting that portion of the project for bids.

12 d. If the estimated cost of a public road project does not exceed \$25,000, the
13 board may let the project in any manner.

14 e. If the estimated cost of a public road project is between \$5,000 and \$25,000,
15 the board shall give a class 1 notice under ch. 985 before it contracts for the project
16 or shall contract with a person qualified as a bidder under s. 66.0901 (2).