

CHAPTER 193, Laws of 1979

AN ACT to amend 62.64 of the statutes, relating to increasing the minimum expenditure by a sewerage commission of a 1st class city for which competitive bids are required.

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

SECTION 1. 62.64 of the statutes is amended to read:

62.64 Contracts. All work done or supplies or material purchased in carrying out the purpose of this subchapter when involving the expenditures of ~~\$2,000~~ \$7,500 or more shall be by contract awarded to the lowest responsible bidder in accordance with the laws of this state and ordinances then applicable to the city which established the commission having reference to the letting of public work by and through the board or commissioner of public works or other proper department in that city except that the commission shall discharge the duties imposed by such laws upon the commissioner or board of public works or other department and all contracts and the awarding of contracts shall be subject to s. 66.29. The commissioners may purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only. Whenever any bidder for any work to be let by the commissioners is, in the judgment of the commissioners, incompetent or otherwise unreliable for the performance of the work for which he or she bids, the commissioners may accept the bid of the person who in their judgment is the lowest competent and reliable bidder for the work, stating their reasons therefor, or relet the same. The commissioners may permit a sum of money or a certified check payable to the order of the commission to be filed with any bid or proposal in an amount which in the judgment of the commissioners will save the city from any loss if the bidder fails to execute a contract pursuant to law, in case the bid is accepted and the contract awarded to the bidder. Every contract made by the commission shall contain an agreement on the part of the contractor and his or her sureties that in case the contractor fails to fully and completely perform the contract within the time therein limited for the performance thereof, the contractor shall pay to the commission as liquidated damages for the default a certain fixed sum to be named in the contract, which shall be a sum which in the judgment of the commissioners will save the commission from any loss on account of the default and ensure the prompt completion of the contract. In lieu of such an agreement, the contract may contain an agreement on the part of the contractor and his or her sureties that in case the contractor fails to fully and completely perform his or her part of the contract within the time therein limited for the performance thereof, the contractor shall pay to the commission as liquidated damages for the default a definite sum, to be named in the contract, for each day's delay in completing the contract after the time therein limited for its completion. The daily sum shall be an amount which in the judgment of the commissioners will save the commission from loss in case of default and ensure the prompt completion of the contract. Every contract shall also be executed by at least ~~two~~ 2 sufficient sureties, or a surety company, to be approved by the commission, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the commission, according to the plans and specifications of the commission. The sureties or surety company shall be liable for such performance of the contract, as sureties, in an amount equal to the estimate of the aggregate cost of the work made by the principal administrative officer of the commission. The commission, with the consent of at least 4 of its members, may do any part of

CHAPTER 193

942

any work under such conditions in every respect as it may prescribe by day labor, whenever the principal administrative officer of the commission, in writing so recommends; all bids or part of a bid for any such work, supplies or materials may be rejected by the commission. The commission may demand of the bidders and contractors that all contracts be let subject to ch. 102.
