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## **1997 SENATE BILL 426**

January 28, 1998 – Introduced by Senators George, Rude, Darling and Welch, cosponsored by Representatives Morris-Tatum, Staskunas, Jensen, Riley and Notestein. Referred to Committee on Economic Development, Housing and Government Operations.

- 1 AN ACT to amend 59.52 (29) (a); and to create 59.52 (29) (c) of the statutes;
- 2 **relating to:** authorizing certain counties to let public works contracts under
- 3 the design and build construction process.

## 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 \$20,000 may be let by a county, a class 1 notice of the proposed construction must be given by the county board. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$10,000 may be let by a municipality (2nd, 3rd or 4th class city, or a village or town), a class 1 notice of the proposed construction must be given by the municipality's governing body. Before a contract for public construction with a value that exceeds \$20,000 may be let by a county, or exceeds \$10,000 in the case of a municipality, certain other requirements, such as a lowest responsible bidder requirement, must be met. 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 \$20,000.

This bill authorizes a county with a population of at least 500,000 (presently only Milwaukee County) to let a public works contract using the design and build construction process, which is defined as a method of construction under which the engineering, design and construction services are provided by a single entity.

For further information see the *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:

59.52 (29) (a) All Except as provided in par. (c) 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 cost of such work will exceed \$20,000 shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed \$20,000, shall be let as the board may direct. If the estimated cost of any public work is between \$5,000 and \$20,000, 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. 66.29 (2). A contract, the estimated cost of which exceeds \$20,000, shall be let and entered into under s. 66.29, 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 highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make.

**Section 2.** 59.52 (29) (c) of the statutes is created to read:

59.52 (29) (c) 1. In this paragraph, "design and build construction process" means a method of construction under which the engineering, design and construction services are provided by a single entity.

2. In a county with a population of at least 500,000, any public works contract described in par. (a) may be let using the design and build construction process.