



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3847/1

MES:wlj:rs

2003 ASSEMBLY BILL 973

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

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

Analysis by the Legislative Reference Bureau

In general, under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$15,000 may be let by a municipality (second, third, or fourth class city, or a village or town), the municipality's governing body must give a class 1 notice of the proposed construction. Also under current law, before a contract for public construction with a value that exceeds \$5,000 but does not exceed \$25,000 may be let by a county, the county board must give a class 1 notice of the proposed construction. Before a contract for public construction with a value that exceeds \$15,000, or that exceeds \$25,000 in the case of a county, may be let by a municipality, certain other requirements, such as a lowest responsible bidder requirement, must be met.

The common council of a city, by a three-fourths vote of its membership, may also authorize the city itself to perform any class of public construction without asking for the submission of bids. A county board, by a three-fourths vote of its membership, may also authorize the county itself to perform any class of public work if the estimated cost of the work exceeds \$25,000.

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Generally under current law, the public construction contracting requirements that apply to a city also apply to a technical college district board and a federated public library system.

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

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

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

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

2 59.52 (29) (a) All public work, including any contract for the construction,
3 repair, remodeling or improvement of any public work, building, or furnishing of
4 supplies or material of any kind where the estimated cost of such work will exceed
5 \$25,000 \$30,000 shall be let by contract to the lowest responsible bidder. Any public
6 work, the estimated cost of which does not exceed \$25,000 \$30,000, shall be let as the
7 board may direct. If the estimated cost of any public work is between \$5,000 and
8 \$25,000 \$30,000, the board shall give a class 1 notice under ch. 985 before it contracts
9 for the work or shall contract with a person qualified as a bidder under s. 66.0901 (2).

10 A contract, the estimated cost of which exceeds \$25,000 \$30,000, shall be let and
11 entered into under s. 66.0901, except that the board may by a three-fourths vote of
12 all the members entitled to a seat provide that any class of public work or any part
13 thereof may be done directly by the county without submitting the same for bids.

14 This subsection does not apply to public construction if the materials for such a
15 project are donated or if the labor for such a project is provided by volunteers. This
16 subsection does not apply to highway contracts which the county highway committee
17 or the county highway commissioner is authorized by law to let or make.

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

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

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

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

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

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

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

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

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

SECTION 6. Initial applicability.

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

18 (END)