

DD:jal;

09/26/2008

1       **AN ACT to amend** 66.0901 (2) of the statutes; **relating to:** the application of public  
2               contract bidder prequalification requirements to first class cities.

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

3               **SECTION 1.** 66.0901 (2) of the statutes is amended to read:

4               66.0901 (2) BIDDER'S PROOF OF RESPONSIBILITY. A municipality intending to enter into  
5               a public contract may, before delivering any form for bid proposals, plans, and specifications  
6               to any person, except suppliers, and others not intending to submit a direct bid, require the  
7               person to submit a full and complete statement sworn to before an officer authorized by law  
8               to administer oaths. The statement shall consist of information relating to financial ability,  
9               equipment, experience in the work prescribed in the public contract, and other matters that the  
10              municipality requires for the protection and welfare of the public in the performance of a  
11              public contract. The statement shall be in writing on a standard form of a questionnaire that  
12              is adopted and furnished by the municipality. The statement shall be filed in the manner and  
13              place designated by the municipality. The statement shall not be received less than 5 days prior  
14              to the time set for the opening of bids. The contents of the statement shall be confidential and  
15              may not be disclosed except upon the written order of the person furnishing the statement, for  
16              necessary use by the public body in qualifying the person, or in cases of actions against, or by,  
17              the person or municipality. The governing body of the municipality or the committee, board,  
18              or employee charged with, or delegated by the governing body with, the duty of receiving bids  
19              and awarding contracts shall properly evaluate the statement and shall find the maker of the  
20              statement either qualified or unqualified. ~~This subsection does not apply to a 1st class city.~~

**NOTE:** Current s. 66.0901 (2), stats., authorizes a municipality intending to execute a public contract to require prospective bidders to provide information relating to financial ability, equipment, work experience, and any other matters required by the municipality for the protection of the public and the performance of the contract. Based on the information, the municipality determines whether the prospective bidder is qualified.

Section 66.0901 (3), stats., prohibits a bid from being received from any person who has not provided the required information on qualifications.

The prequalification requirements of s. 66.0901 (2) do not apply to a 1st class city (city of Milwaukee). The provision was added to s. 66.0901 (2) by ch. 474, laws of 1955. Because the provision applies to all cities other than the city of Milwaukee and to all villages, there appears to be no reason to exempt the city of Milwaukee from the prequalification requirements. The city of Milwaukee has indicated it desires the exemption to be removed.