ORDINANCE NO. 2016-03

AN ORDINANCE REGARDING PUBLIC CONTRACTS AND COMPETITIVE BIDDING

The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Section 3-1-13 of the Town of Lucas Code of Ordinances is repealed and recreated to read as follows:

Sec. 3-1-13 Public Contracts and Competitive Bidding.

(a) **Definitions.** In this Section the following definitions shall be applicable:

(1) ***Public Contract.*** A contract for the construction, execution, repair, remodeling or improvement of any public work or building of a municipality or for the furnishing of materials or supplies.

(2) ***Responsible Bidder.*** A person or company who, in the judgment of the Town Board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

(b) **Notice or Advertisement for Bids.**

(1) ***Public Contracts of More Than $25,000.00.*** Except as provided in Subsections (c) and (d) below, the Town may not enter into a public contract unless the Town Board, or a Town official or employee designated by the Town Board, advertises for proposals to perform the terms of the public contract by publishing a Class 2 notice under Ch. 985, Wis. Stats. The Town Board may provide for additional means of advertising for bids. Per Subsection (a)(1) above, this advertising requirement does not apply to the purchase of equipment; it applies only to public works and the purchase of materials and/or supplies expected to cost more than Twenty-Five Thousand Dollars ($25,000.00).

(2) ***Public Contracts of $5,000 – $25,000.*** The Town may enter into a public contract with an estimated cost of more than Five Thousand Dollars ($5,000.00) but not more than Twenty-Five Thousand Dollars ($25,000.00) only if the Town Board, or a Town official or other person designated by the Town Board, first gives a Class 1 notice

under Ch. 985, Wis. Stats., before execution of that public contract. This notice requirement shall not apply to public construction if the project materials are donated or if the labor for such project is provided by volunteers.

(c) **Contracts to Lowest Responsible Bidder.** The Town Board shall let a public contract for which advertising for proposals is required under Subsection (b) above to the responsible bidder most advantageous to the Town. Sec. 66.0901, Wis. Stats., applies to public contracts let under this Section.

(d) **Exceptions for Emergencies.** This Section, per Sec. 60.47(5), Wis. Stats. are optional with respect to public contracts for the repair and construction of public facilities when damage, or threatened damage, to the facility creates an emergency, as declared by resolution of the Town Board, that endangers the public health or welfare of the Town.

(e) **Construction by the Town.** Any class of public construction may be done directly by the Town without submitting the same for bids provided that the same is authorized by a vote of three-quarters (3/4) of all members-elect of the Town Board. This exemption only applies where Town employees perform the actual project work. Pursuant to Sec. 66.0901(11)(b), Wis. Stats., the Town shall not use Town employees on a project for which a private party is financially responsible.

State Law Reference: Secs. 60.47 and 66.0901, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication/legal posting as provided by law.

ADOPTED this _____ day of _____, 2016.

TOWN OF LUCAS, WISCONSIN

Chairperson

Town Clerk

INTRODUCED: _____

PASSED: _____

PUBLISHED: _____

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Town Board of the Town of Lucas on the 9th day of February, 2016, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated the 9th day of February, 2016

Stacey Simonson, Town Clerk