

No. 548, A.]

[Published June 28, 1949.]

CHAPTER 342.

AN ACT to repeal 41.15 (10) (d); to repeal and recreate 41.15 (10) (b) and to create 41.15 (10) (c) of the statutes, relating to powers of local boards of vocational and adult education in reference to letting contracts and competitive bidding thereon.

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

SECTION 1. 41.15 (10) (b) of the statutes is repealed and recreated to read:

41.15 (10) (b) All contracts made by such local board for construction work involving the expenditure of \$1,000 or more and all contracts for the purchase of materials, supplies and equipment not to be used for new construction work where the estimated cost is \$2,000 or more shall be awarded to the lowest competent responsible bidder; in respect to any such contracts the board shall advertise for sealed proposals based upon a plan or profile of the work to be done and specifications therefor, or other appropriate sufficient description of the work required to be done, and the kinds or qualities of materials, equipment and supplies to be furnished, which shall be first placed on file in the office of the board for the information of bidders; the board may submit alternative plans and specifications for any contemplated public work or purchase as provided in section 62.15 (8); such advertisement shall be published at least 6 consecutive days, excluding Sundays or legal holidays, prior to the day set for the opening of bids, and the contract may be awarded on the day the bids are opened or thereafter; the board at its option may call for competitive bids on advertised notice when the amounts of the expenditures involved are less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work; and the board may call for informal bids on plans and specifications without advertised notice when the amount involved is less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work. A performance bond in the principal amount of the contract shall be required in such cases and on all contracts let by the board.

SECTION 2. 41.15 (10) (c) of the statutes is created to read:

41.15 (10) (c) All proposals shall be directed to the board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in Wisconsin in a penal sum to be fixed by the board in dollars, but the amount thereof shall not be less than 5 per cent nor more than 10 per cent of the estimated cost of the construction work or the materials, equipment, or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check, or cash in the amount required by the board. In case the bidder awarded the contract shall fail or refuse to execute the contract and performance bond, the amount of the said bid bond, certified check, cashier's check, or cash shall be forfeited to the city as liquidated damages. Whenever the advertisement calls for the performance of different kinds of construction work or the furnishing of different kinds or qualities of materials, equipment, or supplies, such contracts may be let in whole or in part to the lowest responsible bidder for particular parts of the proposed contract. The board may reserve the right to reject any and all bids and to waive minor irregularities. The board shall fix the time of completion of the contract and shall have power, for good reason, to extend the time for completion thereof. The board shall fix the amount of liquidated damages for failure of the contractor to complete the contract at the specified time, which damages shall not in any event exceed one-half of one per cent of the estimated cost involved for each day of default. All contracts shall run in the name of the city or village, be executed by the chairman and secretary of the board, be countersigned by the comptroller, and be approved as to form and execution by the city or village attorney. A bidder may, by written notice to the board, withdraw his bid before the time set for opening bids, and he may file an additional bid or bids before the opening date, but when the bids are opened at the prescribed time no bidder may withdraw or amend his bid for any reason, provided, that in case the bidder appears to be acting in good faith and by oversight or error he has made an improvident bid, the board can, in its discretion, reject such bid, if it be the low bid, and award the contract to the next lowest responsible bidder. The board may demand that prospective bidders prequalify as to responsibility and competence. The board shall have power in its discretion for good reason to waive liquidated damages for failure to complete at the time prescribed in the contract. The board shall insert in all contracts appropriate provisions, terms and conditions for suitable indemnity to the city against loss or expense, as to the payment of prevailing wage rates and

to hours of daily work, as to payments on account to the contractor as the work progresses or deliveries are made, and in other particulars for the protection of the city.

SECTION 3. 45.15 [41.15] (10) (d) of the statutes is repealed.

Approved June 24, 1949.
