

No. 717, S.]

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CHAPTER 582.

AN ACT to amend section 8 of chapter 608, laws of 1913, as last amended by chapter 304, laws of 1917, relating to sewage disposal works in cities of the first class.

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

Section 8 of chapter 608, laws of 1913, as last amended by chapter 304, laws of 1917, is amended to read:

(Laws of 1913, chapter 608) Section 8. That all work done or supplies or material purchased in carrying out the purpose of this act when involving the expenditures of * * * \$2,000 or more shall be by contract awarded to the lowest responsible bidder in accordance with the laws of this state and ordinances then applicable to any such city having reference to the letting of public work by and through the board or commissioner of public works or other proper department in such city except that said commissioners shall discharge the duties imposed by such laws upon the commissioner or board of public works or other department; but said commissioners shall have power to purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only. Whenever any bidder for any work to be let by the commissioners shall be, in the judgment of said commissioners, incompetent or otherwise unreliable for the performance of the work for which he bids, the said commissioners may accept the bid of the person who in their judgment is the lowest competent and reliable bidder for said work, stating their reasons therefor, or relet the same anew. The commissioners may permit a sum of money or a certified check payable to the order of the commission to be filed with any bid or proposal in such an amount as in the judgment of the commissioners will save the city from any loss if the bidder shall fail to execute a contract pursuant to law, in case his bid is accepted and the contract awarded to him. Every contract made by the commission shall contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a certain fixed sum to be named in the contract, which shall be such a sum as in the judgment of the commissioners will save the city from any loss on account of such default and insure the prompt completion of the contract, or in lieu of such an agreement contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his part of the contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a definite sum, to be named in the contract, for each day's delay in completing said contract after the time therein limited for its completion, which daily sum shall be such an amount as in the judgment of the commissioners will save the city from loss in case of such default and insure the prompt completion of the contract. Every contract shall also be executed by at least 2 sufficient sureties, or a surety company, to be approved by the commission, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the commission, according to the plans and specifications of the commission and be liable for such performance of the contract, as sureties, in an amount equal to the chief engineer's estimate of the aggregate cost of the work. When a contractor shall proceed properly and with due diligence to perform and complete a contract, the commissioners may in their discretion, from time to time, as the work progresses, grant to said contractor an estimate of the amount already earned for the work done, withholding in all cases 15 per cent of said estimate when said estimate is less than \$100,000, and 10 per cent of said estimate when said estimate is \$100,000 or over, which shall entitle the contractor to receive said estimate less the amount withheld. Said commission shall be empowered, if it see fit, to insert in the specifications of any such work reasonable and lawful conditions as to the hours of labor, wages and the residence and character of workmen to be employed by the contractor and especially so far as may be practicable in the judgment of said commission, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the state of Wisconsin; and provided, however, also that said commission with the consent of 4 or all its members may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor, whenever the chief engineer, in writing shall recommend that course; any and all bids or parts of bids for any such work or supplies or

materials may be rejected by said commission. The commission shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the provisions of chapter 110a of the Wisconsin statutes for 1911 and acts amendatory thereof, entitled "Workmen's Compensation and Industrial Commission", to the end that said commission and such city may be held harmless.

Approved July 6, 1951.
