

ORDINANCE No. 2016-2

**AN ORDINANCE REGARDING PUBLIC CONTRACTS  
AND COMPETITIVE BIDDING**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. REPEAL AND ADOPTION OF PROVISIONS.**

Section 3-1-13 of the Village of Bristol Code of Ordinances is repealed and recreated to read as follows: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 Village Board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.
- (b) **Public Works Projects.** Pursuant to Sec. 61.54, Wis. Stats., all contracts for public construction shall be let by the Village Board pursuant to Sec. 62.15, Wis. Stats.. The Village Board, or person or body designated by the Village Board, shall exercise the powers and duties of a board of public works under Sec. 62.15, Wis. Stats. Sec. 62.15, Wis. Stats., shall apply to a village in the same manner as to a city.
- (c) **Notice or Advertisement for Bids.**
  - (1) **Public Contracts of More Than \$25,000.00.** Except as provided in Subsections (d) and (e) below, the Village may not enter into a public contract unless the Village Board, or a Village official or employee designated by the Village Board, advertises for proposals to perform the terms of the public contract by publishing a Class 2 notice under Ch. 985, Wis. Stats. The Village 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 Village 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 Village Board, or a Village official or other person designated by the Village 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.
- (d) **Contracts to Lowest Responsible Bidder.** The Village 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 Village. Sec. 66.0901, Wis. Stats., applies to public contracts let under this Section.
- (e) **Exceptions for Emergencies.** This Section and Sec. 62.15(1), 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 Village Board, that endangers the public health or welfare of the Village of Bristol.
- (f) **Construction by the Village.** This Section does not apply to any public work performed directly by the Village of Bristol. Any class of public construction may be done directly by the Village 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 Village Board. This exemption only applies where Village employees perform the actual project work. Pursuant to Sec. 66.0901(11)(b), Wis. Stats., the Village shall not use Village employees on a project for which a private party is financially responsible.
- (g) **Contracts with Government Entities.** This Section does not apply to public contracts entered into by a town with a municipality, as defined under Sec. 66.0901(1)(a), Wis. Stats. "Municipality", for purposes of this Section, is defined as the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission.

**State Law Reference:** Secs. 61.54, 62.15, 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.**

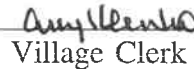
This Ordinance shall take effect upon passage and publication/legal posting as provided by law.

ADOPTED this 25<sup>th</sup> day of January, 2016.

VILLAGE OF BRISTOL, WISCONSIN



\_\_\_\_\_  
President

  
\_\_\_\_\_  
Village Clerk

INTRODUCED: 1/25/2016

PASSED: 1/25/2016

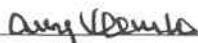
PUBLISHED: \_\_\_\_\_

State of Wisconsin:

Kenosha County:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village Board of the Village of Bristol on the 25<sup>th</sup> day of January, 2016, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated the 25<sup>th</sup> day of January, 2016



\_\_\_\_\_  
Amy Klemko, Village Clerk

