

Ordinance 2025-01

An ordinance to enact
Subchapter 126. Responsible Bidder Ordinance
of the Presque Isle Municipal Code

126.1. PURPOSE. Pursuant to Wis. Stat. s. 66.0901 and consistent with requirements specified in s. 62.15, whenever the town lets public work by contract, the contract must be awarded to the lowest responsible bidder. What constitutes a responsible bidder is a determination that requires the exercise of discretion by the town and its committees, officials and/or employees under reasonably consistent responsible bidder criteria, and this Ordinance is intended to provide that criteria.

126.2. AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 60.47 and s. 66.0901, Wis. Stats. to enact this ordinance.

126.3. DEFINITIONS. For the purpose of this ordinance:

- (1). "Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.
- (2). "Registered Apprenticeship Program" means an apprenticeship program that is currently registered with either a State or Federal governmental entity and that has a graduated apprentices to journey person job classification system process as well as a bona fide training program.
- (3). "Public works contract" means a contract for the construction, alteration, execution, repair, remodeling or improvement of a public work or building, where the contract is required to be bid pursuant to Wis. Stat. s. 60.47 (3).

126.4. RESPONSIBLE BIDDER CRITERIA. In order to be considered a responsible bidder by the Town of Presque Isle for purposes of being awarded a public works contract, the following criteria must be met:

- (1). The contractor must maintain a permanent place of business.
- (2). The contractor must be authorized to do business in the State of Wisconsin.
- (3). The contractor, agent, partner, employee and/or officer of the contractor, must not be debarred, suspended, or declared ineligible from contracting with any unit of federal, state or local government.
- (4). The contractor must be in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- (5). The contractor must have adequate and appropriate:
 - (a). general liability insurance;

- (b). automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
 - (c). workers' compensation and unemployment insurance, except when the contractor does not have employees.
- (6). The contractor has complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.
- (7). The contractor participates in a registered apprenticeship program, if the contractor employs apprentices.
- (8). The contractor has a written substance abuse prevention program meeting the requirements of Wis. Stat. s. 103.503.
- (9). The employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.
- (10). The contractor has not been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, including but not limited to, classification of employees, unemployment insurance, discrimination or payroll fraud. If the contractor has been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment and/or may be disqualified.
- (11). The contractor's employees who will perform work on the project are:
- (a). Covered under a current worker's compensation policy; and properly classified under such policy.
 - (b). Have the health insurance coverage required by all federal or state law.
- (12). The contractor possesses all applicable professional and trade licenses required for performing the public works.
- (13). The contractor has adequate financial resources to complete the public works contract, as well as all other work the bidder is presently under contract to complete.
- (14). The contractor is bondable for the terms of the proposed public works contract.
- (15). The contractor has a record of satisfactorily completing projects of similar size and complexity within the last five (5) years.
- (16). Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
- (a). Completion of contracts in accordance with drawings and specifications;
 - (b). Diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
 - (c). Fulfilled guarantee requirements of the contract documents.

(17). The contractor must have, and diligently maintains, a written safety program.

126.5. NO RESTRICTION ON DISCRETION. If information other than what was disclosed by the contractor in Section 126.4. is discovered by the town or the committee, official and/or employee responsible for awarding the public works contract, and such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract, that information shall be considered in determining whether the contractor is a responsible bidder.

126.6. AFFIDAVIT OF COMPLIANCE. The general or prime contractor bidding on a public works project must include in its sealed bid:

- (1). Its own affidavit swearing compliance with the criteria set forth in Section 126.4. on the form required by the town; and
- (2). An affidavit swearing compliance with the criteria set forth in Section 126.4. on the form required by the town from every subcontractor at any tier who will perform work on the project.

126.7. VALIDITY/SEVERABILITY. Shall any section or provision of this ordinance be declared invalid by the courts, it shall not affect the validity of the balance of the ordinance.

126.8. EFFECTIVE DATE. This ordinance shall become effective upon passage, publication and posting, as required by law.

Signed,

PC Eschenbach 9/4/25
Chairman Date

Cathy Lopez 9.4.25
Supervisor Date

Carl F. Wolter 9-4-25
Supervisor Date

Attest

Kimberly Platt
Clerk Date 9-4-25