

PROOF OF PUBLICATION

STATE OF WISCONSIN }
MILWAUKEE COUNTY } S.S.

Ann Richmond, being the first duly sworn on oath, says that she is the Publisher of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Feb. 23, 2012

Ann E. Richmond

Ann Richmond, Publisher

Sworn to me this 23rd day of February 2012

David Ziemer



David Ziemer

Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent

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CHAPTER	<u>30.04</u>
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**FROM THE OFFICE OF
JOSEPH J. CZARNEZKI
MILWAUKEE COUNTY CLERK
County Ordinance No. 12-3
File No. 12-74
AN ORDINANCE**

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 30.04(5)(b) of the General Ordinances of Milwaukee County is hereby amended as follows:

30.04 Audit authority; complaints and filing fees; penalties; earnings; duty of contractor and subcontractor to make and keep payroll records; proof of compliance with chapter 30.

(1) Audit authority. Every contract for the performance of a public work of the county shall require every contractor to permit the county, by its duly authorized representatives, to audit payroll records of the contractor relating to the county contract at all times during the performance of the contract and for three (3) years after completion thereof. If requested by any person, upon the payment of the deposit fee and filing of the verified complaint described below, the county shall audit the payroll records of the contractors, subcontractors or agents to ensure compliance with this chapter.

(2) Complaint and filing fee. Audit requests from third parties shall be based upon verified complaints which shall be filed with the department and shall, upon filing, become public records. The director shall establish a complaint format and an audit complaint filing fee not to exceed fifty dollars (\$50.00) which shall be paid to the department upon the filing of a complaint requesting an audit. Such fee shall be applied toward the costs of the audit. If the contractor, subcontractor or agent subject to the audit is found to be in compliance with this chapter the department shall retain a sufficient amount from said deposit to cover the costs of the audit and return the balance of said deposit, if any, to the person who signed the complaint. If noncompliance is established, the full deposit shall be returned to the person who signed the complaint, and the costs of the audit shall be charged against the contractor and deducted from any payments due the contractor on the project.

(3) Penalties. If the contractor, subcontractor, or agent is determined by the audit to be in violation of this chapter, the director may declare the contractor in default and seek recourse against the contractor's bond for payment of the unpaid wages or benefits determined to be due offended employees of the contractor. If the county is holding monies due or to become due to the contractor on the contract, a sum sufficient to make whole the offended employees of the contractor may be withheld from the

the grant of authority contained in 1999 Wis. Act 9, Sec. 1580m, to proceed with the construction of the project known as the sheriff's department training academy according to the design-build construction process.

44.02 Separate letting.

44.02 For purposes of this chapter for contracts calling for the construction, repair, remodeling, or improvement of any public building or structure or utility usage other than highway structures and facilities, the appropriate director of ~~public works transportation (or designee) or the director of administrative services (or designee)~~ may bid projects based on a single or multiple division of work. Contracts shall be awarded according to the division of work selected for bidding. The county may set out in any public contract reasonable and lawful conditions, as to the hours of labor, wages, residence, character and classification of workers to be employed by any contractor, and to classify such contractors as to financial responsibility, competency and ability to perform work.

44.03 Solicitation of bids.

44.03 The appropriate department of ~~public works transportation or the department of administrative services~~ shall solicit sealed bids by public notice inserted at least twice in a newspaper and/or trade magazine of county-wide circulation with the last publication occurring at least seven (7) days prior to bid opening.

44.04 Bidding and contract documents.

44.04 Bidding and contract documents shall be prepared by the appropriate department of ~~public works transportation or the department of administrative services~~ or private consultants and reviewed by the appropriate director of ~~public works transportation (or designee) or the director of administrative services (or designee), or designee~~, for conformity with project requirements. Such project requirements may include special employment considerations and goals as determined by the director. Single source or brand name products, materials or processes may be specified whenever the department ascertains the need for such specifications; otherwise, the term "or approved equal" shall be used and the department shall establish uniform and fair rules for such approvals.

44.05 Delivery of bid and contract documents.

44.05 Bid and contract documents shall be delivered by the appropriate department of ~~public works transportation or the department of administrative services~~ to prospective bidders who deposit cash or credit in an amount determined by the appropriate director of ~~public works transportation (or designee) or the director of administrative services (or designee)~~ to cover cost of document preparation. In lieu of deposit, the appropriate department of ~~public works transportation or the department of~~

~~contractors not qualified by the appropriate director of public works transportation (or designee) or the director of administrative services (or designee)~~ shall be returned unopened to bidders. Bids which fail to conform to signature, affidavit and bond requirements, shall be rejected by the director and returned to the bidder. If a bidder awarded a contract fails to return the signed contract and executed performance bond within ten (10) days from receipt thereof or within such additional time for which there exists an excusable delay approved by the director, the bid bond and/or deposit shall be forfeited as liquidated damages. Upon such forfeiture, the contract may be awarded by the director to the next lowest, responsible, responsive bidder or readvertised and/or relet to public bid or cancelled if the next lowest responsive, responsible bidder is not within the project budget. The director is authorized to reject all bids, or cancel the entire bid, after consultation with corporation counsel has determined that such action is in the best interest of the county. The rejected bidder may appeal the decision in accordance with chapter 110 of the Code. The county, through its appropriate director of ~~public works transportation (or designee) or the director of administrative services (or designee)~~, reserves the right to accept or reject all bids, or cancel the entire bid, in its best interest.

44.09 Bid withdrawal, correction and contract reward.

44.09(a) Bid withdrawal. A bidder may withdraw at any time prior to the time set for bid closing and submit a new bid if done prior to bid closing. A bidder claiming an error or omission after bid closing but prior to bid opening shall immediately notify the appropriate department of ~~public works transportation or the department of administrative services (or designee)~~ and the bid shall be returned immediately and the bidder shall not be eligible to bid on the work unless it is relet by advertisement.

44.11 Change orders.

44.11 All contracts shall contain provisions for issuing change orders. The appropriate director of ~~public works transportation (or designee) or the director of administrative services (or designee)~~ or designee is authorized to approve and issue such orders when required to meet conditions not reasonably foreseen at the date of bid submission. No contract amount plus authorized change orders shall exceed funds appropriated for the project unless the county appropriates the necessary additional funds.

44.12 Escalator clauses.

44.12 Public works contracts in excess of fifty thousand dollars (\$50,000.00) and with a projected performance period in excess of six (6) months may, at the discretion of the appropriate director of ~~public works transportation (or designee)~~ or the director of administrative

on county projects for up to three (3) years from the date of completion of the audit.

(4) Hearing. Any contractor or subcontractor subject to this chapter who is found to be in violation hereof and who is penalized as provided in paragraph (3), above, is entitled to a hearing as provided under chapter 110 of the Code.

(5) Duty to keep payroll records, production of payroll records.

(5)(b) In addition to any disclosures of records required in proceedings initiated by the complainant of third parties in the manner described above, every contractor shall, upon written demand from the appropriate director of ~~public transportation~~ (or ~~designee~~) or the director of administrative services (or designee) and development or such other officer as may be designated by the county board, file a true and correct copy of any such payroll records, including

administrative services (or designee), guaranteeing return of plans and specifications or payment of deposit. Cash or credit deposit shall be refunded upon return of the documents in good order and condition, reasonable wear and tear excepted, within ten (10) days after bid opening, or be forfeited.

44.06 Bid opening.
44.06 Bid opening times shall be scheduled by the appropriate department of ~~public works~~ transportation or the department of administrative services. A member of that department shall be present at all such bid openings. All sealed bids shall be delivered to, and received by, the office of the county clerk prior to the time set for the opening of said bid. The county clerk, or designee, shall open bids qualified bidders only, and shall inspect each bid to ascertain whether it conforms to the bid signature affidavit and other requirements, and shall reject any

Official Publication

CONTINUED FROM PAGE 88

44.14(2) The appropriate director of public works transportation (or designee) or the director of administrative services (or designee) shall award and execute all public works contracts where the amount of any such contract is five thousand dollars (\$5,000.00) or more.

44.016 Minority/women business enterprise program.

44.16(3) The appropriate director of the department of public works transportation (or designee) or the director of administrative services (or designee), is further authorized and empowered by this section to effectuate and establish appropriate procedures, standards and bid specifications to implement and achieve the county policies and goals contained in chapter 42.

SECTION 3. Sections 56.20 (3)(4) and 56.30(4)(a)(1) of the General Ordinances of Milwaukee County is hereby amended as follows:

56.20 Centralized administration of public works contracts and construction.

(1) Policy. Uniformity of bid documents, contracts and procedures for construction of public works projects and centralization in one (1) office of related activities is essential to efficient management of public construction programs.

(2) Definitions. As used in this ordinance:

(a) "Public work project" means all projects for construction, repair, remodeling or major maintenance or capital improvements subject to s. 59.08, Wis. Stats., and authorized by the county board or departments of county government, including boards and commissions.

(b) "Administration" means preparation of preliminary and final plans, specifications, project and professional service cost estimates, and bid documents; analysis of bids, preparation of schedules for plans, bidding and construction completion, making recommendations for award of contract, contract drafting,

inspection of construction during work progress and reporting scheduled progress to responsible department on a monthly basis; drafting and recommending contract change orders and certificates of payment, and maintaining project records; establishment of a program for maintaining structural integrity of all capital improvements and routine major maintenance; recommending professional architectural, engineering and specialized trade consultants, drafting contracts and issuance of certificates of payment for such professional service, and review of all plans and specifications prepared by such professional consultants.

44.13 Allowance of partial payments on county public works contracts; who to authorize.

44.13(1) Partial payments for incurred costs shall be made by the county to the contractor from time to time as the work proceeds, upon application as specified in the contract documents and when approved by the head of the department having jurisdiction over the contract. In making such payments, ten (10) percent of the amount approved shall be retained until final completion and acceptance of all work covered by the contract; provided that after fifty (50) percent of the work has been completed and if the appropriate director of public works transportation (or designee) or the director of administrative services (or designee) determines that the contractor's performance and progress are satisfactory, partial payments in full for the work subsequently completed may be made.

44.13(2) Partial payments may include the cost of building and construction materials and equipment for future incorporation in the work, upon presentation by contractors of receipted bills or other satisfactory evidence of payment, and proof of proper storage and protection as required by the appropriate department of public works transportation or the department of administrative services.

44.14 Award of public works contracts.

44.14(1) The appropriate director of public works transportation (or designee) or the director of administrative services (or designee) shall, in his or her sole discretion, establish procedures for awarding all public works contracts where the aggregate amount of any such contract is less than five thousand dollars (\$5,000.00). Except as provided in the preceding sentence and in subsection (4) below, a minor public works contract less than twenty thousand dollars (\$20,000.00) may be awarded to the lowest qualified responsible bidder after solicitation of three (3) informal bids, or may be performed by county forces, provided sufficient county funds are available. Contracts greater than twenty thousand dollars (\$20,000.00) shall be awarded to the lowest, responsive, responsible bidder after solicitation of formal bids.

inspection of construction during work progress and reporting scheduled progress to responsible department on a monthly basis; drafting and recommending contract change orders and certificates of payment, and maintaining project records; establishment of a program for maintaining structural integrity of all capital improvements and routine major maintenance; recommending professional architectural, engineering and specialized trade consultants, drafting contracts and issuance of certificates of payment for such professional service, and review of all plans and specifications prepared by such professional consultants.

(3) Central office. Administration of all public work projects shall be the function of, and centralized in, the appropriate department of public works transportation or the department of administrative services.

(4) Service charge. The cost of all services performed by the appropriate department of transportation or the department of administrative services shall be charged, where applicable, against the project account, the department for which the services are rendered, or the revolving fund established in conformity with section 56.12 of the Code.

56.30 Professional Services.

(4)(a)(1) During its annual budget process, departments shall provide a list to the county board of which capital projects contained in the recommended budget are intended to require the assistance of a professional services consultant. Departments are authorized to enter into contractual services or professional services agreements as may be required for specific capital improvement projects which have been approved by the county board through the budget process. Expenditures shall only be for those projects and professional services specifically identified in the budget write-up reviewed by the committee on finance and audit during the budget review process and approved by the county board, or for those projects approved by action of the county board. The budget write-up shall contain specific information as to the scope of the project, professional services required and estimated cost of the professional services work to be performed. The appropriate department of public works transportation or the department of administrative services shall provide in February of each year to the committee on finance and audit and the committee on transportation, public works and transit an updated report on public works capital projects requiring the use of a professional services contract. Any professional services work costing more than twenty thousand dollars (\$20,000.00) which is not identified in the February report shall require county board approval.

SECTION 4. This ordinance shall become effective upon publication.

Adopted by the Milwaukee
County Board of Supervisors
February 2, 2012

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