

2019 OA-035

AMENDING CHAPTER 25 OF THE DANE COUNTY CODE OF ORDINANCES,  
REMOVING REFERENCES TO "SEALED" BIDS

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

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 25.08(5) is amended to read as follows:

**25.08 PURCHASE OF GOODS AND SERVICES.**

(5) Purchases with an estimated cost of over \$35,000 shall be acquired through an official ~~sealed~~ bidding process as provided in s. 25.10.

ARTICLE 3. Section 25.08(10) is amended to read as follows:

(10) The Controller or designee shall open all ~~sealed~~ bids on the date and at the time and place specified in the bid documents. The receipt and reading of bids shall be open to the public.

ARTICLE 4. Section 25.08(11) is amended to read as follows:

(11)(a) Contracts for purchases shall be awarded to the most responsive and responsible bidder.

(b) The Controller and the committee shall consider compliance with fair labor standards as set forth in s. 25.09 in determining the most responsible bidder.

(c) If the Controller, after reviewing the responses to a competitive solicitation under sub (4) or a ~~sealed~~ bid under sub (5) and s. 25.09, finds that a Locally Based and Owned Vendor's price is within 15% of the lowest cost bid, the Controller will contact the Locally Based and Owned Vendor to determine if the Vendor is willing to meet the bid price offered by the most responsive bidder. If the Locally Based and Owned Vendor is willing to meet the price offered by the most responsive bidder, then the Locally Based and Owned Vendor shall be awarded the bid. If more than one Locally Based and Owned Vendor has offered a price within 15% of the most responsive bidder, the Locally Based and Owned Vendor with the lowest price will be contacted first. If the first Locally Based and Owned Vendor declines to meet the price of the most responsive bidder, then the Controller will contact the next highest bidding Locally Based and Operated Vendor to determine that vendor's interest in meeting the price offered by the most responsive bidder.

(d) If after reviewing the responses to a competitive solicitation or a ~~sealed~~ bid, the Controller finds there is no Locally Based and Owned Vendor within 15% of the lowest cost bid, or if there is a Locally Based and Owned Vendor within 15% of the lowest cost bid, but that vendor is not willing to meet the bid price offered by the most responsive bidder in the process set forth in sub. (c), then the Controller shall review the responses to determine if a Locally Operated Vendor's price is within 10% of the lowest cost bid. If so, the Controller will contact the Locally Operated Vendor to determine if the Locally Operated Vendor is willing to

48 meet the bid price offered by the most responsive bidder. If the Locally Operated  
49 Vendor is willing to meet the bid price offered by the most responsive bidder,  
50 then the Locally Operated Vendor shall be awarded the bid. If more than one  
51 Locally Operated Vendor has offered a price within 10% of the most responsive  
52 bidder, the Locally Operated Vendor with the lowest price will be contacted first.  
53 If the first Locally Operated Vendor declines to meet the price of the most  
54 responsive bidder, then the Controller will contact the next highest bidding  
55 Locally Operated Vendor to determine that vendor's interest in meeting the price  
56 offered by the most responsive bidder.

57 **(e)** If after reviewing the responses to a competitive solicitation or a ~~sealed~~ bid,  
58 the Controller finds there is no Locally Operated Vendor within 10% of the lowest  
59 cost bid, but that vendor is not willing to meet the bid price offered by the most  
60 responsive bidder in the process set forth in sub. (d), then the Controller shall  
61 review the responses to determine if there is a Non-Locally Operated Vendor  
62 with an established place of business in one of the counties adjacent to Dane  
63 County in the Thrive-8 county region within 5% of the lowest cost bid. If the  
64 Controller identifies such a vendor, the Controller will contact the vendor to  
65 determine if the vendor is willing to meet the bid price offered by the most  
66 responsive bidder, then that vendor shall be awarded the bid.

67 **(f)** With the exception of bids for sand, gravel, salt, asphalt and concrete, if the  
68 Controller, after reviewing the responses to a ~~sealed~~ bid finds that a vendor is  
69 offering Dane County-Made Goods at a price that is within 15% of the lowest cost  
70 bid, the Controller will award the bid to the vendor offering Dane County-Made  
71 Goods at the lowest cost.

72 **(g)** With the exception of bids for sand, gravel, salt, asphalt and concrete, if a  
73 Dane County-Made Good is not available, the Controller, after reviewing the  
74 responses to a ~~sealed~~ bid finds that a vendor is offering Regionally-Made Goods  
75 at a price that is within 12.5% of the lowest cost bid, the Controller will award the  
76 bid to the vendor offering Regionally-Made Goods at the lowest cost.

77 **(h)** With the exception of bids for sand, gravel, salt, asphalt and concrete, if a  
78 Dane County-Made Good or a Regionally-Made Good is not available, the  
79 Controller, after reviewing the responses to a ~~sealed~~ bid finds that a vendor is  
80 offering Wisconsin-Made Goods at a price that is within 10% of the lowest cost  
81 bid, the Controller will award the bid to the vendor offering Wisconsin-Made  
82 Goods at the lowest cost.

83 **(i)** If no vendor offers Dane County-Made Goods, Regionally-Made Goods, or  
84 Wisconsin-Made Goods within the price percentages described in subs. (f)-(h),  
85 the Controller will award the bid to the lowest responsive and responsible bidder  
86 without regard to where the goods were made.

87 **(j)** No purchase shall be made under subs. (f)-(h) unless the vendor offering  
88 such goods first submits a sworn affidavit stating that the goods meet the  
89 requirements of the applicable subsection.

90 **(k)** For purchases of motor vehicles for the Sheriff's Office, if after reviewing  
91 the responses to a ~~sealed~~ bid, the Controller shall review the responses to  
92 determine if a Locally Operated Vendor's price is within 15% of the lowest cost  
93 bid. If so the Controller will contact the Locally Operated Vendor to determine if

94 the Locally Operated Vendor is willing to offer a price within 5% of the lowest cost  
95 bid. If the Locally Operated Vendor is willing to offer a price within 5% of the  
96 lowest cost bid, then the Locally Operated Vendor shall be awarded the bid. If  
97 more than one Locally Operated Vendor has offered a price within 15% of the  
98 most responsive bidder, the Locally Operated Vendor with the lowest price will be  
99 contacted first. If the first Locally Operated Vendor declines to offer a price within  
100 5% of the most responsive bidder, then the Controller will contact the next  
101 highest bidding Locally Operated Vendor to determine that vendor's interest in  
102 offering a price within 5% of the most responsive bidder.

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104 ARTICLE 5. Section 25.08(18)(g) is amended to read as follows:

105 **(18) Exceptions to the Competitive Bidding Process.**

106 **(g)** Alliant Energy Center Events. Notwithstanding other provisions of this  
107 section regarding procurement of goods and services, the Alliant Energy Center  
108 is not required to obtain quotes or issue ~~sealed~~ bids for goods or services  
109 necessary to support an event provided that costs for such goods and services  
110 are fully reimbursed under a contract for the event.

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112 ARTICLE 6. Section 25.10 is amended to read as follows:

113 **25.10 SEALED BIDDING PROCESS.**

114 **(1) Notice.**

115 **(a)** The proposed procurement shall be publicly advertised in the official  
116 County newspaper and such other media as deemed desirable, which may  
117 include the Internet or trade magazines as determined by the Controller.

118 **(b)** The proposed procurement shall be advertised at least two (2) weeks  
119 before the bid opening date.

120 **(c)** The advertisement shall call for ~~sealed~~ bids to furnish goods or services, or  
121 both, in accordance with specifications prepared or approved by the Controller.

122 **(2)** Bids may be corrected or withdrawn by the vendor prior to the bid opening  
123 by providing a notice to the purchasing division prior to the bid opening date and  
124 time specified in the bid documents. Bids may not be amended or withdrawn by  
125 the vendor after the bid opening.

126 **(3)** The Controller or designee shall open all ~~sealed~~ bids on the date and at the  
127 time and place specified in the bid documents.

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130 *[EXPLANATION: This amendment removes references to "sealed" bids, as bids*  
131 *are now submitted electronically.]*