

1 **Sub. 1 to 2017 OA – 004**

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3 **AMENDING CHAPTER 25 OF THE DANE COUNTY CODE OF ORDINANCES,**  
4 **REORGANIZING AND MODIFYING THE PURCHASING ORDINANCE**

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

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

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11 **ARTICLE 2.** Chapter 25 is repealed in its entirety and recreated to read as  
12 follows:

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14 **CHAPTER 25**  
15 **PURCHASING AND CONTRACTING**

16  
17 **SUBCHAPTER I**  
18 **GENERAL PURCHASING REGULATIONS**

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**SUBCHAPTER I  
GENERAL PURCHASING REGULATIONS**

**25.01 AUTHORITY.** This ordinance is created pursuant to the authority granted by sections 59.03(1), 59.51(1), 59.52(1)(b) and (9), Wis. Stats.

**25.02 INTENT.** This chapter is intended to achieve greater efficiency and economy in the operation of Dane County government and to encourage competition and business within Dane County by centralizing purchasing transactions where feasible and by providing a uniform set of standards pursuant to which purchases are made.

**25.03 APPLICABILITY. (1) (a)** This ordinance applies to the procurement of all goods and services made by Dane County, whether professional or nonprofessional.

**(b)** Notwithstanding language to the contrary in this ordinance, any act of procurement involving Federal funding shall not use geographic preferences in the evaluation of bids or proposals.

**(2)** The County recognizes that from time to time it may be in its best interests to enter into contracts, leases or other agreements that have been negotiated, bid for, or otherwise entered into in a manner which is not in strict conformity with the terms of this ordinance. Upon adoption or ratification of any such contract, lease or other agreement by the County Board or the committee, any such nonconformity shall be deemed to have been waived by the County.

**(3)** This ordinance shall not be construed to create any right or rights of enforcement in any person seeking to do business with Dane County and compliance with the terms of this ordinance shall rest solely with Dane County.

**(4)** Except as otherwise provided in this chapter, the provisions of Subchapter I shall apply to transactions under Subchapter II.

**(5)** Except as otherwise expressly provided, this chapter does not apply to real estate transactions regulated by ch. 28.

**25.04 DEFINITIONS.** In this chapter, unless the context clearly indicates to the contrary, the following words have the meanings indicated:

**(1)** *Bid* means the written or verbal commitment of a contractor to furnish goods or services, or a combination thereof, in specific quantities at a firm price.

**(2)** *Bidder* is one who submits a bid in response to a Request for Bids or Proposals.

**(3)** *Board* shall mean the Dane County Board of Supervisors.

**(4)** *Committee* shall mean that certain standing committee of the County Board designated as its finance committee, unless the context clearly indicates otherwise.

**(5)** *Dane County-Made Good* shall mean an article that is manufactured, mined, produced, or grown in Dane County and over 50% of the total cost of its components are made in Dane County.

92 (6) *Department* shall mean any division of County government which is  
93 separately listed in the annual County budget.

94 (7) *Goods* shall mean any tangible item, supply or anything purchased or  
95 available for purchase other than real property or services.

96 (8) *Irrevocable letter of credit* means an engagement by a bank or other person  
97 made at the request of a customer and of a kind within the scope of chapter 405,  
98 Wis. Stats., wherein the issuer irrevocably agrees to honor drafts or other  
99 demands for payment upon compliance with the conditions specified in the credit.  
100 In the discretion of the Controller or designee, an irrevocable letter of credit may  
101 be accepted in lieu of a bid bond.

102 (9) *Locally Operated Vendor* means a supplier or provider of equipment,  
103 materials, supplies or services which has an established place of business within  
104 Dane County and whose business is registered and authorized to do business in  
105 the State of Wisconsin. An established place of business means a physical  
106 office, plant or other facility. A post office box address does not qualify a vendor  
107 as a Locally Operated Vendor.

108 (10) *Major Contract* shall mean all contracts, and addendums thereto, that  
109 exceed \$100,000 in the aggregate in disbursements or receipts, or any contract  
110 so designated in writing to the Controller by the County Board chairperson or the  
111 finance committee chairperson.

112 (11) *Most responsive and responsible bidder* shall mean that bidder who offers  
113 either the lowest cost or the highest payment, as appropriate; who submits a bid  
114 which conforms in all material respects to the requirements stated in the bid  
115 solicitation; and who also possesses the necessary financial responsibility, skill,  
116 ability and integrity to perform the obligations required by the transaction.  
117 However, in no instance may a bidder who has been convicted of bid rigging or  
118 price fixing within three years of submission of the bid involved, involving a bid  
119 submitted to the County, be considered the most responsive and responsible  
120 bidder.

121 (12) *Negotiation* shall mean contracting through the use of competitive or other  
122 than competitive proposals or discussions. Any contract awarded without a  
123 formal bidding procedure is a negotiated contract.

124 (13) *Performance bond* shall mean a bond that is executed subsequent to award  
125 by a successful bidder, to protect the buyer from loss due to the bidder's inability  
126 to complete the contract as agreed.

127 (14) *Procurement* shall mean buying, purchasing, renting, leasing or otherwise  
128 acquiring any supplies, materials, equipment and contractual services. It also  
129 includes all functions and administrative practices that pertain to obtaining the  
130 above, including description of requirements, selection and solicitation of  
131 sources, and preparation and award of contract.

132 (15) *Purchase order* shall mean a written contract with a vendor or provider which  
133 formalizes the terms and conditions of a proposed transaction, such as a  
134 description of the requested items, delivery schedule and terms of payment.

135 (16) *Purchase requisition* shall mean an internal document by which an agency or  
136 department sends details of supplies, services or materials required to the  
137 purchasing division.

138 (17) *Purchasing division* shall mean the organizational sub-unit within the  
139 department of administration, its officers and employees, which is charged to  
140 carry out the act of procurement for Dane County in compliance with this  
141 ordinance.

142 (18) *Locally Based and Owned Vendor* means a supplier or provider of  
143 equipment, materials, supplies or services whose business or corporate  
144 headquarters is physically located in Dane County and whose owners or  
145 shareholders totaling more than 50% of ownership live in Dane County and the  
146 business is registered and authorized to do business in the State of Wisconsin.

147 (19) *Regionally-Made Good* shall mean an article that is manufactured, mined,  
148 produced or grown in the eight counties including Dane County and the seven  
149 counties adjacent to Dane County (Columbia, Dodge, Green, Iowa, Jefferson,  
150 Rock or Sauk) and over 50% of the total cost of its components are made in  
151 those counties.

152 (20) *Regulations* shall mean those rules or guidelines issued by the Controller  
153 or the department of administration to administer this ordinance.

154 (21) *Request for bids* shall mean a formal request to prospective vendors  
155 soliciting price quotations. The request contains or incorporates by reference the  
156 specifications or scope of work and all contractual terms and conditions  
157 applicable to the procurement for which a bid is solicited.

158 (22) *Request for proposal* shall mean all documents, whether attached or  
159 incorporated by reference, used for soliciting competitive proposals when exact  
160 specifications are unknown and when it is expected that negotiations with one or  
161 more bidders may be required with respect to any aspect of the requirements for  
162 a procurement or when other qualitative factors will be considered in the  
163 selection of a contractor in addition to price.

164 (23) *Service* shall mean the furnishing of labor or time by a contractor, not  
165 involving the delivery of a specific end product other than usual reports which are  
166 incidental to the required performance.

167 (24) *Specification* shall mean any description of the physical or functional  
168 characteristics of a supply, service or other item. It may include a description of  
169 any requirement for inspecting, testing or preparing a supply, service or other  
170 item for delivery.

171 (25) *Standard terms and conditions* shall mean that certain document which  
172 sets forth the instructions, rules, regulations and processes that apply to bidders  
173 and/or vendors in the procurement process. The *Standard Terms and*  
174 *Conditions* document or a summary of it accompanies solicitation documents and  
175 contracts.

176 (26) *Surplus property* shall mean items that no longer have use to the County  
177 including obsolete supplies and scrap materials that have completed their useful  
178 life.

179 (27) *Transaction* shall mean any act or agreement between the County and any  
180 other party or parties pursuant to which the County receives goods or services.

181 (28) *Wisconsin-Made Good* shall mean an article that is manufactured, mined,  
182 produced or grown in the State of Wisconsin and over 50% of the total cost of its  
183 components are made in the State of Wisconsin.

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**25.05 ADMINISTRATION. (1) (a)** Under the general direction of the director of administration, the Controller shall manage the purchasing activities of the County and supervise purchasing division.

**(b)** The Controller or staff of the affected department, under the direction of the Controller, shall prepare specifications for proposed transactions. The bid specifications shall describe completely the services, items or supplies to be furnished, the department for which the same are required and the quantities desired. Such specifications shall be drawn so as to facilitate competitive bidding.

**(c)** The Controller may also promulgate and amend purchasing operational procedures and administrative regulations which are consistent with the various provisions of this chapter and which shall be permanently recorded and circulated to all County departments. The Controller shall assist departments in complying with such regulations.

**(d)** The Controller shall maintain such records as are necessary to account for expenditures of funds for purchases made through his or her office.

**(e)** The Controller may request information from departments when necessary or desirable for efficient administration of the purchasing function.

**(2) Delegation of Authority. (a)** Purchasing authority may be delegated to departments to purchase goods or services using blanket purchase orders, a procurement card or other means as authorized by this chapter or by the Controller.

**(b)** The purchase of all goods and services for which purchasing authority has not been delegated to departments shall be made by means of a purchase requisition submitted to the purchasing division by department officials who have such authority.

**25.06 APPROPRIATIONS.** All transactions shall be subject to fiscal appropriations made by the Board for the operation of the affected department. No transaction may be entered into unless adequate funds have been appropriated therefore.

**25.07 COMMITTEE RESPONSIBILITIES.** The committee shall have those responsibilities imposed by the rules of the Board and, in addition, shall exercise the following duties and functions relating to this chapter:

**(1)** Provide general oversight of all matters concerning purchases and sales;

**(2)** Advise and consult with departments concerning transactions when requested or when otherwise deemed necessary by the committee;

**(3)** Investigate on its own motion all questions related to transactions controlled by this chapter; and

**(4)** Review and refer to the Board:

**(a)** any transaction for which no budgetary appropriation has been made;

**(b)** those transactions requiring Board approval; and

**(c)** any instance of non-compliance with this chapter or any regulations adopted under this chapter.

230 **25.08 PURCHASE OF GOODS AND SERVICES. (1)** Any act of procurement  
231 shall be conducted in such a manner as to obtain the best possible price,  
232 performance guarantee, service guarantee, quality and resale value. The  
233 purchasing division shall maintain documents regarding the procedures used for  
234 each transaction.

235 **(2)** Any act of procurement shall comply with the Standard Terms and  
236 Conditions promulgated by the purchasing division.

237 **(3)** Purchases with an estimated cost of less than \$10,000 shall be acquired  
238 through a method of solicitation determined by the Controller acting in the best  
239 interests of the public.

240 **(4)** Purchases with an estimated cost between \$10,000 and \$35,000 shall be  
241 acquired through a written, competitive solicitation process through which the  
242 Controller obtains multiple bids.

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

245 **(6)** Major contracts shall be subject to the review process set forth in s. 25.11.

246 **(7)(a)** The method of evaluating bids or proposals and the criteria for awarding  
247 contracts shall be stated in the bid document or in the request for proposals.

248 **(b)** When using a request for proposals (RFP), the RFP shall specify that any  
249 Locally Operated Vendor and Locally Based and Owned Vendor will  
250 automatically receive five points in the evaluation scoring. Non-Locally Operated  
251 Vendors with an established place of business within one of the counties  
252 adjacent to Dane County in the Thrive-8 county region will automatically receive  
253 two points. Non-Locally Operated Vendors will receive zero points in that portion  
254 of the evaluation scoring.

255 **(8)** Bids may be corrected or withdrawn by the vendor prior to the bid opening  
256 by providing a notice to the purchasing division prior to the bid opening date and  
257 time specified in the bid documents. Bids may not be amended or withdrawn by  
258 the vendor after the bid opening.

259 **(9)** The Controller or designee may cancel any invitation for bid, request for  
260 proposal, or other solicitation in whole or in part whenever such cancellation is  
261 deemed by the Controller or designee to be in the best interest of the County.

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

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

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

269 **(c)** If the Controller, after reviewing the responses to a competitive solicitation  
270 under sub (4) or a sealed bid under sub (5) and s. 25.09, finds that a Locally  
271 Based and Owned Vendor's price is within 15% of the lowest cost bid, the  
272 Controller will contact the Locally Based and Owned Vendor to determine if the  
273 Vendor is willing to meet the bid price offered by the most responsive bidder. If  
274 the Locally Based and Owned Vendor is willing to meet the price offered by the  
275 most responsive bidder, then the Locally Based and Owned Vendor shall be

276 awarded the bid. If more than one Locally Based and Owned Vendor has offered  
277 a price within 15% of the most responsive bidder, the Locally Based and Owned  
278 Vendor with the lowest price will be contacted first. If the first Locally Based and  
279 Owned Vendor declines to meet the price of the most responsive bidder, then  
280 the Controller will contact the next highest bidding Locally Based and Operated  
281 Vendor to determine that vendor's interest in meeting the price offered by the  
282 most responsive bidder.

283 **(d)** If after reviewing the responses to a competitive solicitation or a sealed bid ,  
284 the Controller finds there is no Locally Based and Owned Vendor within 15% of  
285 the lowest cost bid, or if there is a Locally Based and Owned Vendor within 15%  
286 of the lowest cost bid, but that vendor is not willing to meet the bid price offered  
287 by the most responsive bidder in the process set forth in sub. (c), then the  
288 Controller shall review the responses to determine if a Locally Operated Vendor's  
289 price is within 10% of the lowest cost bid. If so, the Controller will contact the  
290 Locally Operated Vendor to determine if the Locally Operated Vendor is willing  
291 to meet the bid price offered by the most responsive bidder. If the Locally  
292 Operated Vendor is willing to meet the bid price offered by the most responsive  
293 bidder, then the Locally Operated Vendor shall be awarded the bid. If more than  
294 one Locally Operated Vendor has offered a price within 10% of the most  
295 responsive bidder, the Locally Operated Vendor with the lowest price will be  
296 contacted first. If the first Locally Operated Vendor declines to meet the price of  
297 the most responsive bidder, then the Controller will contact the next highest  
298 bidding Locally Operated Vendor to determine that vendor's interest in meeting  
299 the price offered by the most responsive bidder.

300 **(e)** If after reviewing the responses to a competitive solicitation or a sealed bid,  
301 the Controller finds there is no Locally Operated Vendor within 10% of the lowest  
302 cost bid, or if there is a Locally Operated Vendor within 10% of the lowest cost  
303 bid, but that vendor is not willing to meet the bid price offered by the most  
304 responsive bidder in the process set forth in sub. (d), then the Controller shall  
305 review the responses to determine if there is a Non-Locally Operated Vendor  
306 with an established place of business in one of the counties adjacent to Dane  
307 County in the Thrive-8 county region within 5% of the lowest cost bid. If the  
308 Controller identifies such a vendor, the Controller will contact the vendor to  
309 determine if the vendor is willing to meet the bid price offered by the most  
310 responsive bidder, then that vendor shall be awarded the bid.

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

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

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

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

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

334 **(k)** For purchases of motor vehicles for the Sheriff's Office, if after reviewing the  
335 responses to a sealed bid the Controller shall review the responses to determine  
336 if a Local Vendor's price is within 15% of the lowest cost bid. If so the Controller  
337 will contact the Local Vendor to determine if the Local Vendor is willing to offer a  
338 price within 5% of the lowest cost bid. If the Local Vendor is willing to offer a price  
339 within 5% of the lowest cost bid, then the Local Vendor shall be awarded the bid.  
340 If more than one Local Vendor has offered a price within 15% of the most  
341 responsive bidder, the Local Vendor with the lowest price will be contacted first. If  
342 the first Local Vendor declines to offer a price within 5% of the most responsive  
343 bidder, then the Controller will contact the next highest bidding Local Vendor to  
344 determine that vendor's interest in offering a price within 5% of the most  
345 responsive bidder.

346 **(12)** The Controller or designee is authorized to negotiate an adjustment of the  
347 bid price with the lowest most responsive and responsible bidder, including  
348 changes in the bid requirements, in order to bring the bid within the amount of  
349 available funds if one of the following conditions apply:

350 **(a)** All bids exceed available or attainable funds;

351 **(b)** Time or economic conditions preclude the resolicitation of work or a  
352 reduction in the scope of the requisition.

353 **(13)** The Controller or designee may reject any or all bids or proposals and may  
354 waive any technicality or error in any bid or part thereof when such rejection or  
355 waiver is deemed to be in the best interest of Dane County.

356 **(14)** The Controller or designee may require that all bidders on a bid submit a bid  
357 bond, certified check or irrevocable letter of credit in the amount required by the  
358 bid specifications. When a bid is accepted, the Controller or designee may  
359 require the successful bidder to file a performance bond.

360 **(15)** When, after soliciting bids, it is determined by the Controller or designee that  
361 no valid bids have been received, the Controller or designee may purchase the  
362 good or service on the open market at his or her discretion.

363 **(16)** The various price levels set forth in this chapter which establish the  
364 procedures required for purchasing goods and services shall be adjusted once  
365 every year, in accordance with changes in the Consumer Price Index-United  
366 States All Urban Consumers - All Items - Milwaukee-Racine Area Urban



367 Consumers. Such adjustments shall be computed as follows: (CPI Index for the  
368 first half of the most recent year *divided by* CPI Index for the first half of 2016  
369 *times* the price levels rounded to the nearest thousand *equals* adjusted price  
370 level.) The Controller shall distribute to the committee and department heads an  
371 announcement of each change in the price levels.

372 **(17) Terms of Multi-Year Contracts.** (a) Except for contracts where the original  
373 vendor is the only option for computer software or hardware maintenance and  
374 support, the term, including any extension of the initial term, of any contract for  
375 the procurement of goods and services shall not exceed five (5) years.

376 **(18) Exceptions to the Competitive Bidding Process.** (a) The Controller may  
377 decide to negotiate, contract for, and purchase goods and services without  
378 securing formal competitive bids whenever such goods and services are of such  
379 a nature as to make it impossible or impractical to complete the formal  
380 competitive bidding process. These circumstances include:

381 1. Emergency procurement shall be allowed when necessary to alleviate a  
382 situation in which there is a threat to health, welfare or safety and when  
383 circumstances do not allow time for normal competitive purchasing procedures.  
384 The Controller shall maintain a record of emergency purchases, including the  
385 justification submitted by the requesting department.

386 **(b) Waiver of bid procurement.** The Controller may waive the requirement for  
387 competitive bids:

- 388 1. when he or she determines that only one vendor possesses the unique and  
389 singularly available ability to meet the County's requirements;
- 390 2. when unique and specific technical qualifications, the ability to deliver at a  
391 particular time, or services from a public utility are required;
- 392 3. when special adaptation for a special purpose is required; or
- 393 4. when a unique or opportune buying condition exists.

394 **(c)** When a waiver of bid is granted, the Controller shall conduct negotiations, as  
395 appropriate, as to price, delivery and terms. The Controller shall maintain a  
396 record of waiver of bid purchases, including a justification submitted by the  
397 requisitioning department. Waiver of bid purchases over \$35,000 shall receive  
398 prior approval from the committee.

399 **(d)** Intergovernmental procurement. The purchasing manager is authorized to  
400 purchase goods or services directly from any other governmental or quasi-  
401 governmental entity or political subdivision without going through the bidding  
402 process, when the Controller determines that it is in the County's best interest to  
403 do so.

404 **(e)** Cooperative procurement. The Controller may participate in, sponsor,  
405 conduct or administer a cooperative purchasing agreement for the procurement  
406 of any materials, supplies, equipment or services with one or more units of  
407 government in accordance with an agreement entered into by the participants.  
408 Cooperative procurement may include, but is not limited to:

- 409 1. Joint or multi-party contracts between units of government; and
- 410 2. Open-ended state, municipal, federal and other units of governments'  
411 contracts which are made available to the County.

412 (f) Used goods and livestock. The Controller may purchase used goods or  
413 livestock on the open market or at auction without competitive solicitation. After  
414 surveying the market, the Controller may negotiate with the seller to obtain the  
415 item which offers the best combination of price and condition.

416 (19) *Encouraging the Participation of Targeted Business Enterprises.* Dane  
417 County's official policy is to utilize to the fullest extent targeted businesses, as  
418 defined in chapter 19, when contracting for any construction, purchases,  
419 furnishing or disposal of goods, services or real property in order to ensure an  
420 equitable share of Dane County contracts in accordance with chapter 19 of the  
421 Dane County Ordinances. Dane County recognizes that it must ensure that the  
422 principles of equal opportunities in its contracting process are pursued in a  
423 concerted manner. Dane County reaffirms its commitment to the targeted  
424 business programs and policies which ensure utilization of targeted businesses  
425 by the County and those who contract with the County.

426 (20) *Authority to Debar or Suspend.* (a) The head of an affected department or  
427 a purchasing agent may file a complaint alleging a vendor's violation of this  
428 chapter; violation of contract provisions; failure to perform in accordance with the  
429 specifications or within the time limit provided in a contract; conviction of a  
430 criminal offense incident to a contract or subcontract; conviction under state or  
431 federal statutes of embezzlement, theft, forgery, bribery, falsification or  
432 destruction of records, receiving stolen property, or other offense indicating a  
433 lack of integrity or honesty which has impact on responsibility as a contractor; or  
434 conviction under state or federal antitrust statutes arising out of the submission of  
435 bids or proposals. All complaints shall be filed with the Controller.

436 (b) The Controller shall investigate and determine whether there has been a  
437 violation of this section, and provide copies of a proposed decision to the  
438 complainant and the vendor. If a violation is found, the proposed decision may  
439 include any of the following:

- 440 1. Suspension of the right to bid on County contracts for up to three months;
- 441 2. Debarment, for a period of up to 3 years.

442 (c) Any person affected by the proposed decision may, no later than 30 days  
443 after issuance of the proposed decision, appeal the decision to the director of  
444 administration by serving a notice of appeal on the director of administration. If  
445 no appeal is taken within the time allotted, the proposed decision shall become  
446 final.

447 (d) Upon the filing of an appeal, the director of administration shall, on notice,  
448 take testimony, receive evidence, allow a party to call witnesses, allow cross-  
449 examination and issue a final decision. The director of administration shall not  
450 be bound by common law or statutory rules of evidence, but shall admit all  
451 testimony having reasonable probative value, excluding that which is immaterial,  
452 irrelevant or unduly repetitious. The director of administration shall give effect to  
453 the rules of privilege recognized by law. Basic principles of relevancy, materiality  
454 and probative force, as recognized in equitable proceedings, shall govern the  
455 proof of all questions of fact. The director of administration may take official  
456 notice of any generally recognized fact or established technical or scientific fact,  
457 but parties shall be notified either before or during hearing or by full reference in

458 preliminary reports, or otherwise, of the facts so noticed, and the parties shall be  
459 afforded an opportunity to contest the validity of the official notice.

460 (e) The director of administration's final decision may include suspension of up  
461 to three months or debarment of up to three years.

462 (f) A department may not award any contract to a vendor who has been  
463 debarred unless at least 3 years have elapsed from the date of debarment,  
464 unless a shorter time of debarment is specified in the director of administration's  
465 final decision.

466 (21) *Recycling.* (a) The Controller shall, to the extent practicable, make  
467 purchasing selections using specifications developed in conformity with s.  
468 16.72(2)(e), Stats., to maximize the purchase of materials utilizing recycled  
469 materials and recovered materials.

470 (b) Each department shall ensure that the average recycled or recovered  
471 content of all paper purchased by the department, measured as a proportion, by  
472 weight, of the fiber content of paper products purchased in a calendar year is not  
473 less than 40% of all purchased paper, of which at least 20% is post consumer  
474 fiber.

475  
476 **25.09 BIDDER RESPONSIBILITY.** (1) Any bid, application or proposal for any  
477 contract with the County, including public works contracts regulated under  
478 chapter 40, shall include a certification indicating whether the bidder has been  
479 found by the National Labor Relations Board (NLRB) or the Wisconsin  
480 Employment Relations Commission (WERC) to have violated any statute or  
481 regulation regarding labor standards or relations within the last seven years. The  
482 Controller shall investigate any such finding and make a recommendation to the  
483 committee, which shall determine whether the conduct resulting in the finding  
484 affects the bidder's responsibility to perform the contract.

485 (2) During the term of any contract with the County, the contractor or a  
486 subcontractor shall report to the Controller within 10 days any findings required to  
487 be disclosed under sub. (1), including an NLRB or WERC "finding merit" to the  
488 filing of an unfair labor practice, or allegations of such violations filed with those  
489 agencies. The Controller shall investigate and determine whether the allegations  
490 or findings adversely impact the contractor's responsibilities under the contract.  
491 If the Controller determines that the allegations or findings adversely affect the  
492 contractor's responsibilities under the contract, the Controller shall render a  
493 proposed decision which may terminate, suspend or cancel the contract, in whole  
494 or in part, and shall provide the contractor with a copy of the proposed decision.

495 (3) Any person affected by a proposed decision issued under sub. (2) may  
496 appeal such decision as set forth in s. 25.08(20)(c) - (e).

497 (4) All contractors and subcontractors shall post the following statement in a  
498 prominent place visible to employees: "As a condition of receiving and  
499 maintaining a contract with Dane County, this employer shall comply with federal,  
500 state and all other applicable laws prohibiting retaliation for union organizing."  
501

502 **25.10 SEALED BIDDING PROCESS.** (1) *Notice.* (a) The proposed  
503 procurement shall be publicly advertised in the official County newspaper and

504 such other media as deemed desirable, which may include the Internet or trade  
505 magazines as determined by the Controller.

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

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

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

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

516

517 **25.11 REVIEW PROCESS FOR MAJOR CONTRACTS. (1)** Unless otherwise  
518 exempt all major contracts shall be subject to County Board approval under the  
519 provisions of this section, and approval by the County Executive. All contracts  
520 approved by the County Board shall be countersigned by the County Clerk.

521 **(2) (a)** In this subsection, the phrase “the contract documents” includes all of  
522 the following: the complete contract, including all schedules, exhibits and  
523 attachments; the contract rating sheet; the contract routing sheet; and an  
524 executive summary of the contract.

525 **(b)** The contract documents shall be uploaded to the legislative information  
526 system three days prior to the time the contract is to be considered by the  
527 committee.

528 **(c)** The contract cover sheet shall describe any deviations from the standard  
529 contracting process and any changes to the standard County purchase of  
530 services form agreement.

531 **(3)** The director of administration, the corporation counsel and the affected  
532 department head shall each independently review the contract.

533

534 **25.12 LIVING WAGE REQUIREMENT. (1)** As used in this section, the  
535 following words have the meanings indicated:

536 **(a)** *Board* means the contract compliance hearing board as defined in s.  
537 19.51(5), D.C. Ords.

538 **(b)** *Contractor* means a person or entity having a service contract with Dane  
539 County.

540 **(c)** *Family member* includes mother, father, grandparents, spouse, children,  
541 brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law,  
542 son/daughter-in-law, member of alternative family and grandchildren.

543 **(d)** *Professional service* means services for which the provider is required to hold  
544 a license issued by Wisconsin Department of Safety and Professional Services in  
545 order to practice in this state.

546 **(e)** *Service contract* means any contract with the County, for the provision of  
547 services to any County department or agency. The purchasing agent shall review  
548 each bid specification or request for proposals and make a determination as to  
549 whether the proposed contract will constitute a service contract. *Service contract*

550 includes subcontracts but does not include any contract, whether or not a  
551 subcontract, which:

- 552 1. Involves only the purchase of goods;
- 553 2. Is a professional service contract;
- 554 3. Is a department of public works contract regulated under ch. 40;
- 555 4. Has a value of less than \$5,000;
- 556 5. Is a contract or lease involving use of facilities at the Dane County Alliant  
557 Energy Center;
- 558 6. Involves services provided by student interns;
- 559 7. Involves services provided by persons with disabilities working in  
560 employment programs where the employer holds a current sub-minimum wage  
561 certificate issued by the U. S. Department of Labor or where such a certificate  
562 could be issued but for the fact that the employer is paying a wage higher than  
563 the minimum wage;
- 564 8. Is a contract in existence prior to October 23, 1999, through the duration of  
565 its term;
- 566 9. Is a department of human services contract for residential services for  
567 individual clients purchased at an established per-bed rate;
- 568 10. Is a contract with a school district, a municipality or other unit of government;
- 569 11. Is a contract in which compensation is provided to a family member under a  
570 department of human services program;
- 571 12. Is a grant, project or contract as to which federal or state law imposes the  
572 obligation to pay prevailing wages; or
- 573 13. Is a grant, contract or project as to which labor agreements otherwise require  
574 the payment of a wage in excess of the living wage.

575 **(f)** *Subcontractor* means a person or entity having an arrangement with a  
576 contractor pursuant to which the subcontractor furnishes services for the benefit  
577 of Dane County and which arrangement would constitute a service contract as  
578 defined herein if entered into directly with the County.

579 **(g)** *Living wage* means the following:

- 580 1. For contracts entered into prior to January 1, 2017, an hourly wage equal to  
581 100% of the poverty level divided by 2080.
- 582 2. For contracts entered into after December 31, 2016, an hourly wage as  
583 follows:
  - 584 a. 2017 - \$12.50.
  - 585 b. 2018 - \$13.00.
  - 586 c. 2019 - \$13.50.
  - 587 d. 2020 - \$14.00.
  - 588 e. 2021 - \$14.50.
  - 589 f. 2022 - \$15.00.
  - 590 g. Beginning January 1, 2023, the living wage shall be adjusted annually by the  
591 percentage change in the June Consumer Price Index for All Urban Consumers  
592 for the previous year.

593 **(h)** *Poverty level* means an annual income equal to the U.S. Department of  
594 Health and Human Services' then most recently published poverty guideline for a  
595 family of four.

596 **(2)** The living wage requirement set forth in this section shall apply to:  
597 **(a)** All employees of an employer who has entered into a service contract of  
598 \$5,000 or more, provided that this section applies only to those employees who  
599 are directly involved in providing the contracted services;  
600 **(b)** All employees of employers who are beneficiaries of economic development  
601 assistance from the County worth \$5,000 or more, except those for construction  
602 projects subject to Wis. Stat. s. 66.0903(1m)(c); and  
603 **(c)** The County's own employees, except those in supported employment  
604 positions.  
605 **(d)** Tipped employees, employees paid on commission, and others whose  
606 compensation consists of more than hourly wages shall be paid an hourly wage  
607 which, when coupled with the other compensation, will at least equal the living  
608 wage.  
609 **(3)** The living wage requirements of this section do not apply to time an  
610 employee spends in employer-authorized "sleep time" at the work site.  
611 **(4)** Every service contract and every grant of economic development assistance  
612 entered into by the County shall contain the following notice: "The contractor [or  
613 grant beneficiary] agrees to pay all workers employed by the contractor [or grant  
614 beneficiary] in the performance of this contract [or grant], whether on a full-time  
615 or part-time basis, the living wage of not less than [purchasing agent to insert  
616 current living wage in accordance with this section]. The contractor [or grant  
617 beneficiary] agrees to make available for County inspection the contractor's  
618 payroll records relating to employees providing services on or under this contract  
619 or subcontract [or grant]. If any payroll records of a contractor [or grant  
620 beneficiary] contain any false, misleading or fraudulent information, or if a  
621 contractor [or grant beneficiary] fails to comply with the provisions of s. 25.12,  
622 D. C. Ords., the contract compliance officer may withhold payments on the  
623 contract, terminate, cancel or suspend the contract in whole or in part, or, after a  
624 due process hearing, deny the contractor the right to participate in bidding on  
625 future County contracts for a period of one year after the first violation is found  
626 and for a period of 3 years after a second violation is found."  
627 **(a)** Every contractor and grant beneficiary shall provide a similar written notice  
628 to any subcontractor.  
629 **(b)** Each worker employed in performance of a County contract shall receive the  
630 full living wage. If a worker is performing both County and non-county work and  
631 it is not possible to separately account for the time associated with work under  
632 the County contract, then the worker shall receive the full living wage. No  
633 proportional calculation is allowed. If no bids are received on a contract and staff  
634 determines that compliance with this subsection contributed to the lack of bids,  
635 the contract may be re-bid with a waiver of the no proportional calculation  
636 requirement.  
637 **(5)** The purchasing agent shall add a summary of the requirement for the living  
638 wage to the County's standard *Bids & Specifications* document.  
639 **(6)** For every service contract and economic development assistance grant the  
640 current living wage shall be kept posted by the contractor or grant beneficiary at  
641 the site of the work in a prominent place where it can be easily seen and read by

642 persons employed in the performance of such contract or grant. The poster shall  
643 also provide information of the means the reader may use to file a complaint of  
644 violation. In addition, copies of the current living wage requirement shall be  
645 supplied to any person employed in the performance of a service contract or  
646 economic development assistance grant at the request of such person and within  
647 a reasonable period of time after the request.

648 **(7)(a)** Upon completion of a contract or grant and before receiving final payment  
649 for his or her work on the contract or grant, each contractor or grant beneficiary  
650 shall furnish the County with certification affirming that the contractor or grant  
651 beneficiary has complied fully with the requirements of this section. A contractor  
652 or grant beneficiary may not receive final payment until such certification is filed.

653 **(b)** Where the contractor or grant beneficiary receives regular monthly  
654 payments, the certification shall be filed at least quarterly.

655 **(c)** Notwithstanding the provisions of sub. (a), Human Services contractors that  
656 are paid 1/12<sup>th</sup> of an annual contract per month may receive final payment prior  
657 to filing the required certification, but must file said certification on an annual  
658 basis at the completion of the contract term.

659 **(d)** When requested by the contract compliance officer, the contractor or grant  
660 beneficiary shall also furnish certifications from each of the contractor's or grant  
661 beneficiary's subcontractors.

662 **(8)** Each contractor and subcontractor providing County-compensated services  
663 and each grant beneficiary receiving an economic development assistance grant  
664 shall keep full and accurate payroll records for every employee subject to this  
665 section.

666 **(9)** The contract compliance officer or designee may demand and examine, and  
667 it shall be the duty of every contractor, subcontractor or grant beneficiary and  
668 agent thereof to keep and furnish to the contract compliance officer or designee,  
669 copies of payroll records which relate to the wages paid to employees providing  
670 County-compensated services.

671 **(10)** If requested by any person, the contract compliance officer or designee  
672 shall inspect the payroll records of any contractor, subcontractor or grant  
673 beneficiary, or agent of any of them, providing County-compensated services or  
674 receiving an economic development assistance grant to ensure compliance with  
675 this section.

676 **(11)(a)** An affected employee may file a complaint alleging a contractor's or  
677 grant beneficiary's violation of this section. All complaints shall be filed with the  
678 contract compliance officer.

679 **(b)** The contract compliance officer shall investigate and determine whether  
680 there has been a violation of this section and provide copies of a proposed  
681 decision to the complainant and the contractor or grant beneficiary. If a violation  
682 is found, the proposed decision may include any of the following:

- 683 1. Withholding of payments due the contractor or grant beneficiary in an  
684 amount sufficient to pay the wages due all affected employees;
- 685 2. Termination, suspension or cancellation of the contract or grant in whole or  
686 in part;
- 687 3. Debarment for a period of up to 3 years.

688 (c) Any person affected by the proposed decision issued under sub (b) may  
689 appeal such decision as set forth in s. 25.08(20)(c) – (e).

690 (12) A department or agency may not award any contract to a contractor nor any  
691 grant to a grant beneficiary who has been debarred unless at least 3 years have  
692 elapsed from the date of debarment, unless a shorter time of debarment is  
693 specified in the board's final decision.

694 (a) This subsection does not apply to any contractor, subcontractor or grant  
695 beneficiary who has not exhausted or waived all appeals, provided that the  
696 period of debarment shall commence as of the date all appeals are exhausted or  
697 waived, as appropriate.

698 (13) The board may promulgate rules to administer this subsection.

699 (14) A contractor or grant beneficiary shall not retaliate against any employee  
700 who files a complaint under this section, and a violation thereof shall be subject  
701 to the penalties set forth in sub. (11)(b)2. and 3. above.

702

### 703 **25.13 EQUAL BENEFITS REQUIREMENT.**

704 (1) *Purpose.* The purpose of this ordinance is to ensure that equal  
705 compensation is provided to all employees of contractors, grant beneficiaries,  
706 and loan recipients performing work for Dane County. It is the County's intent,  
707 through the contracting practices outlined in this section, to assure that those  
708 companies wanting to do business with the County will equalize the total  
709 compensation between similarly situated spouses and those with domestic  
710 partners.

711 (2) As used in this section, the following terms shall have the meanings  
712 indicated:

713 (a) *Board* means the contract compliance hearing board as defined in s.  
714 19.51(5).

715 (b) *Benefit* means any plan, program or policy provided or offered by a  
716 contractor to its employees as part of the employer's total compensation  
717 package. This includes, but is not limited to, the following types of benefits:  
718 bereavement leave, family medical leave, sick leave, health benefits, dental  
719 benefits, disability insurance, life insurance, membership or membership  
720 discounts, moving expenses, pension and retirement benefits, and travel  
721 benefits.

722 (c) *Cash equivalent* means the amount equal to the actual cost to the employer  
723 for providing insurance benefits to the spouse of a married employee and not  
724 provided to a domestic partner, provided that:

725 1. The benefit would have been provided to the domestic partner if that person  
726 was a spouse of the employee; and

727 2. After making a reasonable effort to provide the benefit to a domestic partner  
728 of an employee, the employer is unable to provide the benefit.

729 (d) *Contract* means any human services, public works or service contract, and  
730 includes subcontracts, but does not include any contract which:

731 1. Involves only the purchase of goods;

732 2. Is a contract or lease for use of facilities at the Alliant Energy Center;



733 **3.** Is a contract in existence prior to the effective date of this ordinance. The  
734 term of such contract shall not be extended unless the requirements of this  
735 section are incorporated into the contract.

736 **4.** Is a contract with a school district, municipality, or other unit of government;  
737 or

738 **5.** Involves a collective bargaining agreement in existence prior to the effective  
739 date of this ordinance, provided that the contractor must agree to propose to the  
740 applicable collective bargaining unit that the equal benefits requirement be  
741 incorporated into the agreement upon amendment, extension or other  
742 modification occurring after the effective date of this ordinance.

743 **(e)** *Contractor* means a person or entity having a service, human services or  
744 public works contract with Dane County.

745 **(f)** *Domestic partner* means an adult of the same or opposite sex with whom a  
746 contractor's employee is living with in a non-marital committed relationship and  
747 with whom they share a common residence and responsibility for each other's  
748 common welfare. Contractors may require an employee to sign and file a  
749 Declaration of Domestic Partnership in conformance with Chapter 60.

750 **(g)** *Economic development grant beneficiary* means any employer who is the  
751 recipient of an economic development grant from Dane County.

752 **(h)** *Loan recipient* means any person who receives a loan of any amount, other  
753 than a reverse mortgage loan, from Dane County.

754 **(i)** *Public works contract* means all contracts subject to chapter 40, Dane Co.  
755 Ords.

756 **(j)** *Service contract* means any contract with the County, for the provision of  
757 services to any County department or agency. The purchasing agent shall  
758 review each bid specification or request for proposal and make a determination  
759 as to whether the proposed contract will constitute a service contract.

760 **(3) Applicability.**

761 **(a)** This ordinance shall apply to:

762 **1.** All contractors as follows:

763 **a.** A contractor's operations located in Dane County, regardless of whether  
764 there are employees at those locations performing work on the contract;

765 **b.** A contractor's operations on real property located outside of Dane County if  
766 the property is owned by the County or the County has the right to occupy the  
767 property, and if the contractor's presence at or on that property is connected to a  
768 contract with the County; and

769 **c.** A contractor's employees located elsewhere in the United States but outside  
770 of Dane County, if those employees are performing work on a county contract.

771 **2.** All employers who are beneficiaries of economic development grants from  
772 the County.

773 **3.** Dane County regarding its employees, including limited term employees.

774 **4.** All loan recipients.

775 **(b)** Notwithstanding anything to the contrary, the Controller or designee may  
776 waive the provisions of this section when there is only one prospective contractor  
777 willing to enter into a contract with the County on the terms and conditions  
778 established by the County, or when the needed services or public works are

779 available only from a sole source and the prospective contractor is not currently  
780 disqualified from doing business with the County based on any contract  
781 compliance requirements, and such waiver is in the best interest of Dane  
782 County. Any such waiver shall be reported to the Personnel & Finance  
783 Committee.

784 **(4)** All contractors, economic development grant beneficiaries, and loan  
785 recipients shall provide the same benefits to employees with domestic partners  
786 as they do to employees with spouses, or the cash equivalent if a benefit cannot  
787 reasonably be provided.

788 **(5)** Every public works and service contract, every grant of economic  
789 assistance, and every loan entered into by the County shall contain the following  
790 notice: "The contractor [grant beneficiary or loan recipient] agrees to provide the  
791 same economic benefits to all of its employees with domestic partners as it does  
792 to employees with spouses, or the cash equivalent if such a benefit cannot  
793 reasonably be provided. The contractor [grant beneficiary or loan recipient]  
794 agrees to make available for County inspection the contractor's [grant  
795 beneficiary's or loan recipient's] payroll records relating to employees providing  
796 services on or under this contract or subcontract [grant or loan]. If any payroll  
797 records of a contractor [grant beneficiary or loan recipient] contain any false,  
798 misleading or fraudulent information, or if a contractor [grant beneficiary or loan  
799 recipient] fails to comply with the provisions of s. 25.14, D.C. Ords., the contract  
800 compliance officer may withhold payments on the contract [grant or loan];  
801 terminate, cancel or suspend the contract [grant or loan] in whole or in part; or,  
802 after a due process hearing, deny the contractor [grant beneficiary or loan  
803 recipient] the right to participate in bidding on future County contracts [grants or  
804 loans] for a period of one year after the first violation is found and for a period of  
805 three years after a second or subsequent violation is found."

806 **(a)** Every contractor, grant beneficiary, or loan recipient shall provide a similar  
807 written notice to any subcontractor.

808 **(6)** The County's purchasing agent shall add a summary of the requirement for  
809 the equal benefits to the County's standard *Bids & Specifications* document.

810 **(7)** For every service contract, economic development assistance grant, or loan,  
811 a notice of the equal benefits requirement shall be kept posted by the contractor,  
812 grant beneficiary, or loan recipient at the site of the work in a prominent place  
813 where it can be easily seen and read by persons employed in the performance of  
814 such contract, grant, or loan. The poster shall also provide information of the  
815 means the reader may use to file a complaint of violation. In addition, copies of  
816 the equal benefit requirement shall be provided to any person employed in the  
817 performance of a service contract, economic development assistance grant, or  
818 loan upon request and within a reasonable period of time.

819 **(8)(a)** Upon completion of a contract, grant, or loan and before receiving final  
820 payment for his or her work on said contract, grant, or loan, each contractor,  
821 grant beneficiary, or loan recipient shall furnish the County with a certification  
822 affirming that he or she has complied fully with the requirements of this section.  
823 A contractor, grant beneficiary, or loan recipient may not receive final payment  
824 until such certification is filed.

825 **(b)** Notwithstanding the provisions of sub. (a), Human Services contractors that  
826 are paid 1/12<sup>th</sup> of an annual contract per month may receive final payment prior  
827 to filing the required certification, but must file said certification on an annual  
828 basis at the completion of the contract term.

829 **(c)** When requested by the contract compliance officer, the contractor, grant  
830 beneficiary, or loan recipient shall also furnish certifications from each of his or  
831 her subcontractors.

832 **(9)** Each contractor and subcontractor providing County-compensated services,  
833 each grant beneficiary receiving an economic development assistance grant,  
834 and each loan recipient shall keep full and accurate records of benefits provided  
835 or cash equivalents paid for every employee subject to this section.

836 **(10)** The contract compliance officer or designee may demand and examine, and  
837 it shall be the duty of every contractor, subcontractor, grant beneficiary, or loan  
838 recipient and agent thereof to keep and furnish to the contract compliance officer  
839 or designee, copies of records which relate to the benefits provided or cash  
840 equivalents paid to employees providing County-compensated services.

841 **(11)** If requested by any person, the contract compliance officer or designee shall  
842 inspect the payroll records of any contractor, subcontractor, grant beneficiary, or  
843 loan recipient, or agent thereof, providing County-compensated services or  
844 receiving an economic development assistance grant or loan to ensure  
845 compliance with this section.

846 **(12)(a)** An affected employee may file a complaint alleging a contractor's, grant  
847 beneficiary's, or loan recipient's violation of this section. All complaints shall be  
848 filed with the contract compliance officer.

849 **(b)** The contract compliance officer shall investigate and determine whether  
850 there has been a violation of this section and provide copies of a proposed  
851 decision to the complainant and the contractor, grant beneficiary, or loan  
852 recipient. If a violation is found, the proposed decision may include any of the  
853 following:

854 1. Withholding of payments due the contractor, grant beneficiary, or loan  
855 recipient in an amount sufficient to pay the wages due all affected employees;

856 2. Termination, suspension or cancellation of the contract, grant, or loan, in  
857 whole or in part;

858 3. Debarment for a period of up to three years.

859 **(c)** Any person affected by the proposed decision issued under sub (b) may  
860 appeal such decision as set forth in s. 25.08(20)(c) – (e).

861 **(13)** A department or agency may not award any contract to a contractor, nor any  
862 grant to a grant beneficiary, nor any loan to a loan recipient who has been  
863 debarred unless at least three years have elapsed from the date of debarment,  
864 unless a shorter time of debarment is specified in the board's final decision.

865 **(a)** This subsection does not apply to any contractor, subcontractor, grant  
866 beneficiary, or loan recipient who has not exhausted or waived all appeals,  
867 provided that the period of debarment shall commence as of the date all appeals  
868 are exhausted or waived, as appropriate.

869 **(14)** The board may promulgate rules to administer this subsection.

870 (15) A contractor, grant beneficiary, or loan recipient shall not retaliate against  
871 any employee who files a complaint under this section, and a violation thereof  
872 shall be subject to the penalties set forth in sub. (12)(b)2. and 3. above.

873 (16) No contractor, grant beneficiary, or loan recipient may use the equal benefits  
874 requirement of this section to reduce the wage paid to any person employed by  
875 the contractor, grant beneficiary, or loan recipient.

876 (17) *Legal effect and severability.* (a) Nothing in this section shall be interpreted  
877 to alter, contravene or be in conflict with any provision of county, state or federal  
878 law.

879  
880 **25.14 FINANCIAL INTEREST PROHIBITED.** (1) Employees engaged in the act  
881 of procurement shall not be personally or financially interested in, or in any  
882 manner connected directly or indirectly with, any bidder or proposer. Such  
883 employees shall not solicit, accept or receive, directly or indirectly, from any  
884 bidder or proposer, by rebate, gift or otherwise, any money or other thing of  
885 value, nor receive any promise or obligation for future reward or compensation  
886 from any bidder or proposer, nor financially profit in any manner from their  
887 employment with Dane County, other than the wages and benefits furnished  
888 directly by the County.

889 (2) All County purchase orders, bid specifications, requests for proposal and  
890 contracts shall contain, when feasible, reference to state law prohibiting any  
891 public officer or employee's private pecuniary interest, direct or indirect, in any  
892 public contract.

893  
894 **25.15 PAYMENT PROCEDURE.** After proper processing and auditing of  
895 requisitions, purchase orders and vouchers, and approval of the County Board or  
896 personnel and finance committee, as appropriate, payments shall be made in  
897 accordance with the terms of the contract.

898  
899 **25.16 UNLAWFUL PURCHASES.** Contracts for any goods or services contrary  
900 to the provisions of this chapter, or the rules or regulations made thereunder,  
901 shall be void.

902  
903 **25.17 SURPLUS PROPERTY MANAGEMENT.** (1)(a) Departments which have  
904 equipment or supplies which are unsuitable or have become unnecessary, and  
905 which are not to be traded in, shall report such fact, with a description of such  
906 equipment or supplies, to the Controller. Upon receipt of such notice, the  
907 Controller shall canvas other County departments to determine whether they  
908 need the items or supplies.

909 (b) If such items or supplies are not needed by any County department, they  
910 may be made available to municipalities within the County at a price to be  
911 established by the Controller. If no municipality has use for such items or  
912 supplies, they may be sold by the Controller on the open market at the price to  
913 be established by the Controller or by competitive bidding, whichever method is  
914 deemed most advantageous to the County.

915 (c) The proceeds from the sale of any equipment or supplies hereunder shall be  
916 paid to the Dane County Treasurer and shall be recorded by the County  
917 Controller in an account established for such purpose.

918 (2) Surplus property may be retained in a used property pool controlled and  
919 administered by the Controller, such property to be utilized as needed by County  
920 departments in accordance with regulations established by the department of  
921 administration or disposed of in accordance with this section.

922 (3) Notwithstanding any other language to the contrary in this ordinance, no  
923 property with a current book value to the County of more than \$200,000 shall be  
924 considered surplus until declared as such by the County Board.

925  
926  
927 **SUBCHAPTER II**  
928 **SPECIFIC CONTRACT REGULATIONS**  
929

930 **25.50 HUMAN SERVICES CONTRACTS. (1) (a)** Client service contracts with  
931 purchase of service agencies that are under \$100,000 that have not been  
932 identified as a major contract may be executed by the director of the department  
933 of human services without approval by the County Board or County Executive.

934 (b) Client service contracts with purchase of service agencies in excess of  
935 \$100,000 may be executed by the director of the department of human services if  
936 the contract has been approved as part of the County budget process.

937 (c) All other contracts for the Human Services Department are subject to the  
938 provisions of this chapter.

939 (2)(a) Notwithstanding anything to the contrary in this chapter, change orders,  
940 modifications and addenda to human services department contracts that are  
941 under 10% of the aggregate cost of the contract may be approved by the  
942 director of the department of human services.

943 (b) Change orders, modifications or addenda to human services contracts that  
944 exceed 10% of the aggregate cost of the contract must be approved by the  
945 Health and Human Needs Committee and Personnel and Finance Committee.

946 (3) The human services department is authorized to develop purchasing  
947 procedures, not inconsistent with this chapter, to procure goods and services  
948 related to client services.

949  
950 **25.51 HIGHWAY CONTRACTS. (1)** The highway commissioner is authorized  
951 to make purchases directly related to highway construction in accordance with  
952 sec. 83.015(2)(b), Wis. Stats. The highway commissioner may, in his or her  
953 discretion, utilize the services of the purchasing division for any other or all  
954 supplies or equipment which are directly related to highway construction.  
955 Purchases not directly related to highway construction shall be conducted  
956 through the purchasing division in accordance with this ordinance.

957 (2) Pursuant to the provisions of sec. 83.035, Wis. Stats., the Dane County  
958 Highway Commissioner, with the approval of the Dane County Highway  
959 Committee, is hereby authorized to execute contracts, in triplicate, with a copy to  
960 be filed with the County Clerk, and with cities, villages and towns of Dane County

961 for the purpose of enabling the County to construct and maintain streets and  
962 highways in such municipalities. Maintenance shall include the furnishing of any  
963 road supplies and equipment to such municipalities.

964 **(3)** The Dane County Highway Department shall undertake no construction or  
965 maintenance for such municipalities in excess of the County aid authorized by  
966 the County Board.

967 **(4)(a)** All contracts executed with any municipality for such road work shall  
968 provide that payment in full must be made to Dane County within 120 days of the  
969 completion of such road work.

970 **(b)** If a municipality fails to make payment in full within the above-prescribed 120  
971 days, the Dane County Highway Department shall do no further work of any type  
972 nor furnish any road supplies or equipment for or to such municipalities.

973 **(c)** If a municipality fails to make payment in full within the above-prescribed 120  
974 days, any unpaid balance outstanding shall bear interest at the rate of five  
975 percent (5%) per annum until paid.

976  
977 **25.52 PUBLIC WORKS CONTRACTS.** The public works director is authorized  
978 to make purchases directly related to public works construction in accordance  
979 with chapter 40 and s. 59.52(29), Wis. Stats. The director of public works may,  
980 at his or her discretion, utilize the services of the purchasing division for any  
981 other or all goods and services related to public works construction which are  
982 required by the public works department. Purchases not directly related to public  
983 works construction shall be made through the Controller in accordance with this  
984 ordinance.

985  
986 **25.53 JAIL INMATE PERSONAL SERVICES.** **(1)** Dane County shall not  
987 provide services or enter into any contract for telephone, laundry or commissary  
988 services for jail inmates that is intended to generate revenues in excess of the  
989 costs of providing these services to jail inmates.

990 **(2)** The procurement of telephone, laundry or commissary services for jail  
991 inmates shall be subject to competitive bidding under this section and designed  
992 to achieve the lowest possible cost for inmates consistent with public safety.

993 **(3)** The provisions of this subsection shall not apply to any fee charged by the  
994 County that is associated with security of the jail or electronic monitoring for  
995 release programs.

996  
997 **25.54 MUNICIPAL GRANTS.** When considering a grant application by a  
998 municipality, the financial capacity of the municipality to fund the project shall be  
999 considered.

1000 **(1)** For capital grants, the following criteria shall be considered:

1001 **(a)** The outstanding debt per capita of the municipality; and

1002 **(b)** The municipality's tax rate compared to the average tax rate of other  
1003 municipalities of the same class.

1004 **(2)** For operating grants, the amount of any remaining capacity under local levy  
1005 limits shall be considered.

1006 (3) Grants for development planning and related projects will not be made for  
1007 projects inside a municipality's tax increment districts.  
1008

1009 **25.55 APPROVAL OF CONTRACTS UNDER SUBCHAPTER II.** Except as  
1010 otherwise provided in this chapter, contracts entered into under the authority of  
1011 this subchapter shall follow the standard contract approval and routing process  
1012 as established by Dane County policies and procedures. Contracts shall in all  
1013 ways conform to the requirements of applicable state statutes.  
1014

1015  
1016 *[EXPLANATION: This amendment reorganizes the existing provisions of*  
1017 *Chapter 25, makes minor textual housekeeping changes, and creates specific*  
1018 *exceptions for human services contracts.]*  
1019

1020