

1 | **Sub. 1 to 2017 OA _____ 004 [PROPOSED – DYE]**

2 |
3 | AMENDING CHAPTER 25 OF THE DANE COUNTY CODE OF ORDINANCES,
4 | REORGANIZING AND MODIFYING THE PURCHASING ORDINANCE
5 |

6 | The County Board of Supervisors of ~~the Dane~~ County ~~of Dane~~ does ordain as
7 | follows:
8 |

9 | ARTICLE 1. Unless otherwise expressly stated herein, all references to section
10 | and chapter numbers are to those of the Dane County Code of Ordinances.
11 |

12 | ARTICLE 2. Chapter 25 is repealed in its entirety and recreated to read as
13 | follows:
14 |

15 | **CHAPTER 25**
16 | **PURCHASING AND CONTRACTING**
17 |

18 | **SUBCHAPTER I**
19 | **GENERAL PURCHASING REGULATIONS**
20 |

- 21 | 25.01 AUTHORITY.
22 | 25.02 INTENT.
23 | 25.03 APPLICABILITY.
24 | 25.04 DEFINITIONS.
25 | 25.05 ADMINISTRATION.
26 | 25.06 APPROPRIATIONS.
27 | 25.07 COMMITTEE RESPONSIBILITIES.
28 | 25.08 PURCHASE OF GOODS AND SERVICES.
29 | 25.09 BIDDER RESPONSIBILITY.
30 | 25.10 SEALED BIDDING PROCESS.
31 | 25.11 REVIEW PROCESS FOR MAJOR CONTRACTS.
32 | 25.12 LIVING WAGE REQUIREMENT.
33 | 25.13 EQUAL BENEFITS REQUIREMENT.
34 | 25.14 FINANCIAL INTEREST PROHIBITED.
35 | 25.15 PAYMENT PROCEDURE.
36 | 25.16 UNLAWFUL PURCHASES.
37 | 25.17 SURPLUS PROPERTY MANAGEMENT.
38 |

39 | **SUBCHAPTER II**
40 | **SPECIFIC CONTRACT REGULATIONS**
41 |

- 42 | 25.50 HUMAN SERVICES CONTRACTS.
43 | 25.51 HIGHWAY CONTRACTS.
44 | 25.52 PUBLIC WORKS CONTRACTS.
45 | 25.53 JAIL INMATE PERSONAL SERVICES.
46 | 25.54 MUNICIPAL GRANTS.

92 25.55 APPROVAL OF CONTRACTS UNDER SUBCHAPTER II.
93 **SUBCHAPTER I**
94 **GENERAL PURCHASING REGULATIONS**
95

96 **25.01 AUTHORITY.** This ordinance is created pursuant to the authority granted
97 by sections 59.03(1), 59.51(1), 59.52(1)(b) and (9), Wis. Stats.
98

99 **25.02 INTENT.** This chapter is intended to achieve greater efficiency and
100 economy in the operation of Dane County government and to encourage
101 competition and business within Dane County by centralizing purchasing
102 transactions where feasible and by providing a uniform set of standards pursuant
103 to which purchases are made.
104

105 **25.03 APPLICABILITY.** (1) (a) This ordinance applies to the procurement of all
106 goods and services made by Dane County, whether professional or
107 nonprofessional.

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

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

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

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

124 (5) Except as otherwise expressly provided, this chapter does not apply to real
125 estate transactions regulated by ch. 28.
126

127 **25.04 DEFINITIONS.** In this chapter, unless the context clearly indicates to the
128 contrary, the following words have the meanings indicated:

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

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

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

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

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- 137 (5) *Dane County-Made Good* shall mean an article that is manufactured, mined,
138 produced, or grown in Dane County and over 50% of the total cost of its
139 components are made in Dane County.
- 140 (6) *Department* shall mean any division of ~~county~~County government which is
141 separately listed in the annual ~~county~~County budget.
- 142 (7) *Goods* shall mean any tangible item, supply or anything purchased or
143 available for purchase other than real property or services.
- 144 (8) *Irrevocable letter of credit* means an engagement by a bank or other person
145 made at the request of a customer and of a kind within the scope of chapter 405,
146 Wis. Stats., wherein the issuer irrevocably agrees to honor drafts or other
147 demands for payment upon compliance with the conditions specified in the credit.
148 In the discretion of the ~~controller~~Controller or designee, an irrevocable letter of
149 credit may be accepted in lieu of a bid bond.
- 150 (9) *Locally Operated Vendor* means a supplier or provider of equipment,
151 materials, supplies or services which has an established place of business within
152 ~~theDane~~ County-of-Dane and whose business is registered and authorized to do
153 business in the State of Wisconsin. An established place of business means a
154 physical office, plant or other facility. A post office box address does not qualify a
155 vendor as a Locally Operated Vendor.
- 156 (10) *Major Contract* shall mean all contracts, and addendums thereto, that
157 exceed \$100,000 in the aggregate in disbursements or receipts, or any contract
158 so designated in writing to the ~~controller~~Controller by the ~~county board~~County
159 Board chairperson or the finance committee chairperson.
- 160 (11) *Most responsive and responsible bidder* shall mean that bidder who offers
161 either the lowest cost or the highest payment, as appropriate; who submits a bid
162 which conforms in all material respects to the requirements stated in the bid
163 solicitation; and who also possesses the necessary financial responsibility, skill,
164 ability and integrity to perform the obligations required by the transaction.
165 However, in no instance may a bidder who has been convicted of bid rigging or
166 price fixing within three years of submission of the bid involved, involving a bid
167 submitted to the ~~county~~County, be considered the most responsive and
168 responsible bidder.
- 169 (12) *Negotiation* shall mean contracting through the use of competitive or other
170 than competitive proposals or discussions. Any contract awarded without a
171 formal bidding procedure is a negotiated contract.
- 172 (13) *Performance bond* shall mean a bond that is executed subsequent to award
173 by a successful bidder, to protect the buyer from loss due to the bidder's inability
174 to complete the contract as agreed.
- 175 (14) *Procurement* shall mean buying, purchasing, renting, leasing or otherwise
176 acquiring any supplies, materials, equipment and contractual services. It also
177 includes all functions and administrative practices that pertain to obtaining the
178 above, including description of requirements, selection and solicitation of
179 sources, and preparation and award of contract.
- 180 (15) *Purchase order* shall mean a written contract with a vendor or provider which
181 formalizes the terms and conditions of a proposed transaction, such as a
182 description of the requested items, delivery schedule and terms of payment.

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

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

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

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

200 (20) *Regulations* shall mean those rules or guidelines issued by the
201 ~~controller~~Controller or the department of administration to administer this
202 ordinance.

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

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

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

216 (24) *Specification* shall mean any description of the physical or functional
217 characteristics of a supply, service or other item. It may include a description of
218 any requirement for inspecting, testing or preparing a supply, service or other
219 item for delivery.

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

225 (26) *Surplus property* shall mean items that no longer have use to the
226 ~~county~~County including obsolete supplies and scrap materials that have
227 completed their useful life.

228 | (27) *Transaction* shall mean any act or agreement between the ~~county~~County and any other party or parties pursuant to which the ~~county~~County receives
229 | goods or services.
230 |

231 | (28) *Wisconsin-Made Good* shall mean an article that is manufactured, mined,
232 | produced or grown in the State of Wisconsin and over 50% of the total cost of its
233 | components are made in the State of Wisconsin.
234 |

235 | **25.05 ADMINISTRATION. (1) (a)** Under the general direction of the director of
236 | administration, the ~~controller~~Controller shall manage the purchasing activities of
237 | the ~~county~~County and supervise purchasing division.

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

244 | (c) The ~~controller~~Controller may also promulgate and amend purchasing
245 | operational procedures and administrative regulations which are consistent with
246 | the various provisions of this chapter and which shall be permanently recorded
247 | and circulated to all ~~county~~County departments. The ~~controller~~Controller shall
248 | assist departments in complying with such regulations.

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

251 | (e) The ~~controller~~Controller may request information from departments when
252 | necessary or desirable for efficient administration of the purchasing function.

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

257 | (b) The purchase of all goods and services for which purchasing authority has
258 | not been delegated to departments shall be made by means of a purchase
259 | requisition submitted to the purchasing division by department officials who have
260 | such authority.
261 |

262 | **25.06 APPROPRIATIONS.** All transactions shall be subject to fiscal
263 | appropriations made by the ~~board~~Board for the operation of the affected
264 | department. No transaction may be entered into unless adequate funds have
265 | been appropriated therefore.
266 |

267 | **25.07 COMMITTEE RESPONSIBILITIES.** The committee shall have those
268 | responsibilities imposed by the rules of the ~~board~~Board and, in addition, shall
269 | exercise the following duties and functions relating to this chapter:

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

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

- 319 (3) Investigate on its own motion all questions related to transactions controlled
320 by this chapter; and
321 (4) Review and refer to the ~~board~~Board:
322 (a) any transaction for which no budgetary appropriation has been made;
323 (b) those transactions requiring ~~board~~Board approval; and
324 (c) any instance of non-compliance with this chapter or any regulations adopted
325 under this chapter.

326

327 **25.08 PURCHASE OF GOODS AND SERVICES. (1)** Any act of procurement
328 shall be conducted in such a manner as to obtain the best possible price,
329 performance guarantee, service guarantee, quality and resale value. The
330 purchasing division shall maintain documents regarding the procedures used for
331 each transaction.

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

334 (3) Purchases with an estimated cost of less than \$10,000 shall be acquired
335 through a method of solicitation determined by the ~~controller~~Controller acting in
336 the best interests of the public.

337 (4) Purchases with an estimated cost between \$10,000 and \$35,000 shall be
338 acquired through a written, competitive solicitation process through which the
339 ~~controller~~Controller obtains multiple bids.

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

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

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

345 (b) When using a request for proposals (RFP), the RFP shall specify that any
346 Locally Operated Vendor and Locally Based and Owned Vendor will
347 automatically receive five points in the evaluation scoring. Non-Locally Operated
348 Vendors with an established place of business within one of the counties
349 adjacent to Dane County in the Thrive--8 county region will automatically receive
350 two points. Non-Locally Operated Vendors will receive zero points in that portion
351 of the evaluation scoring.

352 (8) Bids may be corrected or withdrawn by the vendor prior to the bid opening
353 by providing a notice to the purchasing division prior to the bid opening date and
354 time specified in the bid documents. Bids may not be amended or withdrawn by
355 the vendor after the bid opening.

356 (9) The ~~controller~~Controller or designee may cancel any invitation for bid,
357 request for proposal, or other solicitation in whole or in part whenever such
358 cancellation is deemed by the ~~controller~~Controller or designee to be in the best
359 interest of the ~~county~~County.

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

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

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

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

381 (d) If after reviewing the responses to a competitive solicitation or a sealed bid ,
382 the Controller finds there is no Locally Based and Owned Vendor within 15% of
383 the lowest cost bid, or if there is a Locally Based and Owned Vendor within 15%
384 of the lowest cost bid, but that vendor is not willing to meet the bid price offered
385 by the most responsive bidder in the process set forth in sub. (c), then the
386 Controller shall review the responses to determine if a Locally Operated Vendor's
387 price is within 10% of the lowest cost bid. If so, the Controller will contact the
388 Locally Operated Vendor to determine if the Locally Operated Vendor is willing
389 to meet the bid price offered by the most responsive bidder. If the Locally
390 Operated Vendor is willing to meet the bid price offered by the most responsive
391 bidder, then the Locally Operated Vendor shall be awarded the bid. If more than
392 one Locally Operated Vendor has offered a price within 10% of the most
393 responsive bidder, the Locally Operated Vendor with the lowest price will be
394 contacted first. If the first Locally Operated Vendor declines to meet the price of
395 the most responsive bidder, then the Controller will contact the next highest
396 bidding Locally Operated Vendor to determine that vendor's interest in meeting
397 the price offered by the most responsive bidder.

398 (e) If after reviewing the responses to a competitive solicitation or a sealed bid,
399 the Controller finds there is no Locally Operated Vendor within 10% of the lowest
400 cost bid, or if there is a Locally Operated Vendor within 10% of the lowest cost
401 bid, but that vendor is not willing to meet the bid price offered by the most
402 responsive bidder in the process set forth in sub. (d), then the Controller shall
403 review the responses to determine if there is a Non-Locally Operated Vendor
404 with an established place of business in one of the counties adjacent to Dane
405 County in the Thrive--8 county region within 5% of the lowest cost bid. If the
406 Controller identifies such a vendor, the Controller will contact the vendor to
407 determine if the vendor is willing to meet the bid price offered by the most
408 responsive bidder, then that vendor shall be awarded the bid.

409 (f) With the exception of bids for sand, gravel, salt, asphalt and concrete, if the
410 Controller, after reviewing the responses to a sealed bid finds that a vendor is

411 offering Dane County-Made Goods at a price that is within 15% of the lowest cost
412 bid, the Controller will award the bid to the vendor offering Dane County-Made
413 Goods at the lowest cost.

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

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

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

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

432 **(k)** For purchases of motor vehicles for the Sheriff's Office, if after reviewing the
433 responses to a sealed bid the Controller shall review the responses to determine
434 if a Local Vendor's price is within 15% of the lowest cost bid. If so the Controller
435 will contact the Local Vendor to determine if the Local Vendor is willing to offer a
436 price within 5% of the lowest cost bid. If the Local Vendor is willing to offer a price
437 within 5% of the lowest cost bid, then the Local Vendor shall be awarded the bid.
438 If more than one Local Vendor has offered a price within 15% of the most
439 responsive bidder, the Local Vendor with the lowest price will be contacted first. If
440 the first Local Vendor declines to offer a price within 5% of the most responsive
441 bidder, then the Controller will contact the next highest bidding Local Vendor to
442 determine that vendor's interest in offering a price within 5% of the most
443 responsive bidder.

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

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

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

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

454 **(14)** The ~~controller~~Controller or designee may require that all bidders on a bid
455 submit a bid bond, certified check or irrevocable letter of credit in the amount
456 required by the bid specifications. When a bid is accepted, the

457 | ~~controller~~Controller or designee may require the successful bidder to file a
458 | performance bond.

459 | **(15)** When, after soliciting bids, it is determined by the ~~controller~~Controller or
460 | designee that no valid bids have been received, the ~~controller~~Controller or
461 | designee may purchase the good or service on the open market at his or her
462 | discretion.

463 | **(16)** The various price levels set forth in this chapter which establish the
464 | procedures required for purchasing goods and services shall be adjusted once
465 | every year, in accordance with changes in the ~~Consumers~~Consumer Price Index-
466 | United States All Urban Consumers - All Items - Milwaukee-Racine Area Urban
467 | Consumers. Such adjustments shall be computed as follows: (CPI Index for the
468 | first half of the most recent year *divided by* CPI Index for the first half of 2016
469 | *times* the price levels rounded to the nearest thousand *equals* adjusted price
470 | level.) The ~~controller~~Controller shall distribute to the committee and department
471 | heads an announcement of each change in the price levels.

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

476 | **(18) Exceptions to the Competitive Bidding Process.** **(a)** The ~~controller~~Controller
477 | may decide to negotiate, contract for, and purchase goods and services without
478 | securing formal competitive bids whenever such goods and services are of such
479 | a nature as to make it impossible or impractical to complete the formal
480 | competitive bidding process. These circumstances include:

481 | 1. Emergency procurement shall be allowed when necessary to alleviate a
482 | situation in which there is a threat to health, welfare or safety and when
483 | circumstances do not allow time for normal competitive purchasing procedures.
484 | The ~~controller~~Controller shall maintain a record of emergency purchases,
485 | including the justification submitted by the requesting department.

486 | **(b)** Waiver of bid procurement. The ~~controller~~Controller may waive the
487 | requirement for competitive bids:

- 488 | 1. when he or she determines that only one vendor possesses the unique and
489 | singularly available ability to meet the ~~county's~~County's requirements;
- 490 | 2. when unique and specific technical qualifications, the ability to deliver at a
491 | particular time, or services from a public utility are required;
- 492 | 3. when special adaptation for a special purpose is required; or
- 493 | 4. when ~~ana~~ unique or opportune buying condition exists.

494 | **(c)** When a waiver of bid is granted, the ~~controller~~Controller shall conduct
495 | negotiations, as appropriate, as to price, delivery and terms. The
496 | ~~controller~~Controller shall maintain a record of waiver of bid purchases, including
497 | a justification submitted by the requisitioning department. Waiver of bid
498 | purchases over \$35,000 shall receive prior approval from the committee.

499 | **(d)** Intergovernmental procurement. The purchasing manager is authorized to
500 | purchase goods or services directly from any other governmental or quasi-
501 | governmental entity or political subdivision without going through the bidding

502 process, when the ~~controller~~Controller determines that it is in the
503 ~~county's~~County's best interest to do so.

504 (e) Cooperative procurement. The ~~controller~~Controller may participate in,
505 sponsor, conduct or administer a cooperative purchasing agreement for the
506 procurement of any materials, supplies, equipment or services with one or more
507 units of government in accordance with an agreement entered into by the
508 participants. Cooperative procurement may include, but is not limited to:

- 509 1. Joint or multi-party contracts between units of government; and
- 510 2. Open-ended state, municipal, federal and other units of governments'
511 contracts which are made available to the ~~county~~County.

512 (f) Used goods and livestock. The ~~controller~~Controller may purchase used
513 goods or livestock on the open market or at auction without competitive
514 solicitation. After surveying the market, the ~~controller~~Controller may negotiate
515 with the seller to obtain the item which offers the best combination of price and
516 condition.

517 (19) *Encouraging the Participation of Targeted Business Enterprises.* –Dane
518 County's official policy is to utilize to the fullest extent targeted businesses, as
519 defined in chapter 19, when contracting for any construction, purchases,
520 furnishing or disposal of goods, services or real property in order to ensure an
521 equitable share of Dane County contracts in accordance with chapter 19 of the
522 Dane County Ordinances. Dane County recognizes that it must ensure that the
523 principles of equal opportunities in its contracting process are pursued in a
524 concerted manner. Dane County reaffirms its commitment to the targeted
525 business programs and policies which ensure utilization of targeted businesses
526 by the ~~county~~County and those who contract with the ~~county~~County.

527 (20) *Authority to Debar or Suspend.* (a) The head of an affected department or
528 a purchasing agent may file a complaint alleging a vendor's violation of this
529 chapter; violation of contract provisions; failure to perform in accordance with the
530 specifications or within the time limit provided in a contract; conviction of a
531 criminal offense incident to a contract or subcontract; conviction under state or
532 federal statutes of embezzlement, theft, forgery, bribery, falsification or
533 destruction of records, receiving stolen property, or other offense indicating a
534 lack of integrity or honesty which impactshas impact on responsibility as a
535 contractor; or conviction under state or federal antitrust statutes arising out of the
536 submission of bids or proposals. All complaints shall be filed with the
537 ~~controller~~Controller.

538 (b) The ~~controller~~Controller shall investigate and determine whether there has
539 been a violation of this section, and provide copies of a proposed decision to the
540 complainant and the vendor. If a violation is found, the proposed decision may
541 include any of the following:

- 542 1. Suspension of the right to bid on ~~county~~County contracts for up to three
543 months;
- 544 2. Debarment, for a period of up to 3 years.

545 (c) Any person affected by the proposed decision may, no later than 30 days
546 after issuance of the proposed decision, appeal the decision to the director of
547 administration by serving a notice of appeal on the director of administration. If

548 no appeal is taken within the time allotted, the proposed decision shall become
549 final.

550 **(d)** Upon the filing of an appeal, the director of administration shall, on notice,
551 take testimony, receive evidence, allow a party to call witnesses, allow cross-
552 examination and issue a final decision. The director of administration shall not
553 be bound by common law or statutory rules of evidence, but shall admit all
554 testimony having reasonable probative value, excluding that which is immaterial,
555 irrelevant or unduly repetitious. The director of administration shall give effect to
556 the rules of privilege recognized by law. Basic principles of relevancy, materiality
557 and probative force, as recognized in equitable proceedings, shall govern the
558 proof of all questions of fact. The director of administration may take official
559 notice of any generally recognized fact or established technical or scientific fact,
560 but parties shall be notified either before or during hearing or by full reference in
561 preliminary reports, or otherwise, of the facts so noticed, and the parties shall be
562 afforded an opportunity to contest the validity of the official notice.

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

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

569 **(21) Recycling. (a)** The ~~controller~~Controller shall, to the extent practicable, make
570 purchasing selections using specifications developed in conformity with s.
571 16.72(2)(e), Stats., to maximize the purchase of materials utilizing recycled
572 materials and recovered materials.

573 **(b)** Each department shall ensure that the average recycled or recovered
574 content of all paper purchased by the department, measured as a proportion, by
575 weight, of the fiber content of paper products purchased in a calendar year is not
576 less than 40% of all purchased paper, of which at least 20% is post consumer
577 fiber.

578
579 **25.09 BIDDER RESPONSIBILITY. (1)** Any bid, application or proposal for any
580 contract with the ~~county~~County, including public works contracts regulated under
581 chapter 40, shall include a certification indicating whether the bidder has been
582 found by the National Labor Relations Board (NLRB) or the Wisconsin
583 Employment Relations Commission (WERC) to have violated any statute or
584 regulation regarding labor standards or relations within the last seven years. The
585 ~~controller~~Controller shall investigate any such finding and make a
586 recommendation to the committee, which shall determine whether the conduct
587 resulting in the finding affects the bidder's responsibility to perform the contract.

588 **(2)** During the term of any contract with the ~~county~~County, the contractor or a
589 subcontractor shall report to the ~~controller~~Controller within 10 days any findings
590 required to be disclosed under sub. (1), including an NLRB or WERC "finding
591 merit" to the filing of an unfair labor practice, or allegations of such violations filed
592 with those agencies. The ~~controller~~Controller shall investigate and determine
593 whether the allegations or findings adversely impact the contractor's

594 | responsibilities under the contract. If the ~~controller~~Controller determines that the
595 | allegations or findings adversely affect the contractor's responsibilities under the
596 | contract, the ~~controller~~Controller shall render a proposed decision which may
597 | terminate, suspend or cancel the contract, in whole or in part, and shall provide
598 | the contractor with a copy of the proposed decision.

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

601 | (4) All contractors and subcontractors shall post the following statement in a
602 | prominent place visible to employees: "As a condition of receiving and
603 | maintaining a contract with Dane County, this employer shall comply with federal,
604 | state and all other applicable laws prohibiting retaliation for union organizing."
605 |

606 | **25.10 SEALED BIDDING PROCESS. (1) Notice. (a)** The proposed
607 | procurement shall be publicly advertised in the official ~~county~~County newspaper
608 | and such other media as deemed desirable, which may include the Internet or
609 | trade magazines as determined by the ~~controller~~Controller.

610 | (b) The proposed procurement shall be advertised at least two (2) weeks before
611 | the bid opening date.

612 | (c) The advertisement shall call for sealed bids to furnish goods or services, or
613 | both, in accordance with specifications prepared or approved by the
614 | ~~controller~~Controller.

615 | (2) Bids may be corrected or withdrawn by the vendor prior to the bid opening
616 | by providing a notice to the purchasing division prior to the bid opening date and
617 | time specified in the bid documents. Bids may not be amended or withdrawn by
618 | the vendor after the bid opening.

619 | (3) The ~~controller~~Controller or designee shall open all sealed bids on the date
620 | and at the time and place specified in the bid documents.

621 | **25.11 REVIEW PROCESS FOR MAJOR CONTRACTS. (1)** Unless otherwise
622 | exempt all major contracts shall be subject to ~~county board~~County Board
623 | approval under the provisions of this section, and approval by the County
624 | Executive. All contracts approved by the ~~county board~~County Board shall be
625 | countersigned by the County Clerk.
626 |

627 | (2) (a) In this subsection, the phrase "the contract documents" includes all of
628 | the following: the complete contract, including all schedules, exhibits and
629 | attachments; the contract rating sheet; the contract routing sheet; and an
630 | executive summary of the contract.

631 | (b) The contract documents shall be uploaded to the legislative information
632 | system three days prior to the time the contract is to be considered by the
633 | committee.

634 | (c) The contract cover sheet shall describe any deviations from the standard
635 | contracting process and any changes to the standard ~~county~~County purchase of
636 | services form agreement.

637 | (3) The director of administration, the corporation counsel and the affected
638 | department head shall each independently review the contract.
639 |

640 **25.12 LIVING WAGE REQUIREMENT. (1)** As used in this section, the
641 following words have the meanings indicated:

642 **(a)** *Board* means the contract compliance hearing board as defined in s.
643 19.51(5), D.C. Ords.

644 **(b)** *Contractor* means a person or entity having a service contract with ~~theDane~~
645 ~~County-of Dane~~.

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

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

652 **(e)** *Service contract* means any contract with the ~~county~~County, for the provision
653 of services to any ~~county~~County department or agency. The purchasing agent
654 shall review each bid specification or request for proposals and make a
655 determination as to whether the proposed contract will constitute a service
656 contract. *Service contract* includes subcontracts but does not include any
657 contract, whether or not a subcontract, which:

- 658 1. Involves only the purchase of goods;
- 659 2. Is a professional service contract;
- 660 3. Is a department of public works contract regulated under ch. 40;
- 661 4. Has a value of less than \$5,000;
- 662 5. Is a contract or lease involving use of facilities at the Dane County
663 ~~Exposition~~Alliant Energy Center;
- 664 6. Involves services provided by student interns;
- 665 7. Involves services provided by persons with disabilities working in
666 employment programs where the employer holds a current sub-minimum wage
667 certificate issued by the U. S. Department of Labor or where such a certificate
668 could be issued but for the fact that the employer is paying a wage higher than
669 the minimum wage;
- 670 8. Is a contract in existence prior to October 23, 1999, through the duration of
671 its term;
- 672 9. Is a department of human services contract for residential services for
673 individual clients purchased at an established per-bed rate;
- 674 10. Is a contract with a school district, a municipality or other unit of government;
- 675 11. Is a contract in which compensation is provided to a family member under a
676 department of human services program;
- 677 12. Is a grant, project or contract as to which federal or state law imposes the
678 obligation to pay prevailing wages; or
- 679 13. Is a grant, contract or project as to which labor agreements otherwise require
680 the payment of a wage in excess of the living wage.

681 **(f)** *Subcontractor* means a person or entity having an arrangement with a
682 contractor pursuant to which the subcontractor furnishes services for the benefit
683 of ~~theDane~~ County-of Dane and which arrangement would constitute a service
684 contract as defined herein if entered into directly with the ~~county~~County.

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

- 686 1. For contracts entered into prior to January 1, 2017, an hourly wage equal to
687 100% of the poverty level divided by 2080.
- 688 2. For contracts entered into after December 31, 2016, an hourly wage as
689 follows:
- 690 a. 2017 - \$12.50.
691 b. 2018 - \$13.00.
692 c. 2019 - \$13.50.
693 d. 2020 - \$14.00.
694 e. 2021 - \$14.50.
695 f. 2022 - \$15.00.
696 g. Beginning January 1, 2023, the living wage shall be adjusted annually by the
697 percentage change in the June Consumer Price Index for All Urban Consumers
698 for the previous year.
699 (h) *Poverty level* means an annual income equal to the U.S. Department of
700 Health and Human Services' then most recently published poverty guideline for a
701 family of four.
- 702 (2) The living wage requirement set forth in this section shall apply to:
- 703 (a) All employees of an employer who has entered into a service contract of
704 \$5,000 or more, provided that this section applies only to those employees who
705 are directly involved in providing the contracted services;
- 706 (b) All employees of employers who are beneficiaries of economic development
707 assistance from the countyCounty worth \$5,000 or more, except those for
708 construction projects subject to Wis. Stat. s. 66.0903(1m)(c); and
709 (c) The county'sCounty's own employees, except those in supported
710 employment positions.
- 711 (d) Tipped employees, employees paid on commission, and others whose
712 compensation consists of more than hourly wages shall be paid an hourly wage
713 which, when coupled with the other compensation, will at least equal the living
714 wage.
- 715 (3) The living wage requirements of this section do not apply to time an
716 employee spends in employer-authorized "sleep time" at the work site.
- 717 (4) Every service contract and every grant of economic development assistance
718 entered into by the countyCounty shall contain the following notice: "The
719 contractor [or grant beneficiary] agrees to pay all workers employed by the
720 contractor [or grant beneficiary] in the performance of this contract [or grant],
721 whether on a full-time or part-time basis, the living wage of not less than
722 [purchasing agent to insert current living wage in accordance with this section].
723 The contractor [or grant beneficiary] agrees to make available for countyCounty
724 inspection the contractor's payroll records relating to employees providing
725 services on or under this contract or subcontract [or grant]. If any payroll records
726 of a contractor [or grant beneficiary] contain any false, misleading or fraudulent
727 information, or if a contractor [or grant beneficiary] fails to comply with the
728 provisions of s. 25.12, D. C. Ords., the contract compliance officer may withhold
729 payments on the contract, terminate, cancel or suspend the contract in whole or
730 in part, or, after a due process hearing, deny the contractor the right to participate

731 | in bidding on future countyCounty contracts for a period of one year after the first
732 | violation is found and for a period of 3 years after a second violation is found."
733 | **(a)** Every contractor and grant beneficiary shall provide a similar written notice
734 | to any subcontractor.
735 | **(b)** Each worker employed in performance of a countyCounty contract shall
736 | receive the full living wage. If a worker is performing both countyCounty and
737 | non-county work and it is not possible to separately account for the time
738 | associated with work under the countyCounty contract, then the worker shall
739 | receive the full living wage. No proportional calculation is allowed. If no bids are
740 | received on a contract and staff determines that compliance with this subsection
741 | contributed to the lack of bids, the contract may be re-bid with a waiver of the no
742 | proportional calculation requirement.
743 | **(5)** The purchasing agent shall add a summary of the requirement for the living
744 | wage to the county'sCounty's standard *Bids & Specifications* document.
745 | **(6)** For every service contract and economic development assistance grant the
746 | current living wage shall be kept posted by the contractor or grant beneficiary at
747 | the site of the work in a prominent place where it can be easily seen and read by
748 | persons employed in the performance of such contract or grant. The poster shall
749 | also provide information of the means the reader may use to file a complaint of
750 | violation. In addition, copies of the current living wage requirement shall be
751 | supplied to any person employed in the performance of a service contract or
752 | economic development assistance grant at the request of such person and within
753 | a reasonable period of time after the request.
754 | **(7)(a)** Upon completion of a contract or grant and before receiving final payment
755 | for his or her work on the contract or grant, each contractor or grant beneficiary
756 | shall furnish the countyCounty with certification affirming that the contractor or
757 | grant beneficiary has complied fully with the requirements of this section. A
758 | contractor or grant beneficiary may not receive final payment until such
759 | certification is filed.
760 | **(b)** Where the contractor or grant beneficiary receives regular monthly
761 | payments, the certification shall be filed at least quarterly.
762 | **(c)** Notwithstanding the provisions of sub. (a), Human Services contractors that
763 | are paid 1/12th of an annual contract per month may receive final payment prior
764 | to filing the required certification, but must file said certification on an annual
765 | basis at the completion of the contract term.
766 | **(d)** When requested by the contract compliance officer, the contractor or grant
767 | beneficiary shall also furnish certifications from each of the contractor's or grant
768 | beneficiary's subcontractors.
769 | **(8)** Each contractor and subcontractor providing countyCounty-compensated
770 | services and each grant beneficiary receiving an economic development
771 | assistance grant shall keep full and accurate payroll records for every employee
772 | subject to this section.
773 | **(9)** The contract compliance officer or designee may demand and examine, and
774 | it shall be the duty of every contractor, subcontractor or grant beneficiary and
775 | agent thereof to keep and furnish to the contract compliance officer or designee,

776 copies of payroll records which relate to the wages paid to employees providing
777 ~~county~~County-compensated services.

778 **(10)** If requested by any person, the contract compliance officer or designee
779 shall inspect the payroll records of any contractor, subcontractor or grant
780 beneficiary, or agent of any of them, providing ~~county~~County-compensated
781 services or receiving an economic development assistance grant to ensure
782 compliance with this section.

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

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

- 790 1. Withholding of payments due the contractor or grant beneficiary in an
791 amount sufficient to pay the wages due all affected employees;
- 792 2. Termination, suspension or cancellation of the contract or grant in whole or
793 in part;
- 794 3. Debarment for a period of up to 3 years.

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

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

801 **(a)** This subsection does not apply to any contractor, subcontractor or grant
802 beneficiary who has not exhausted or waived all appeals, provided that the
803 period of debarment shall commence as of the date all appeals are exhausted or
804 waived, as appropriate.

805 **(13)** —The board may promulgate rules to administer this subsection.

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

809

810 **25.13 EQUAL BENEFITS REQUIREMENT.**

811 **(1) Purpose.** The purpose of this ordinance is to ensure that equal
812 compensation is provided to all employees of contractors, grant beneficiaries,
813 and loan recipients performing work for ~~theDane~~ County~~of Dane~~. It is the
814 County's intent, through the contracting practices outlined in this section, to
815 assure that those companies wanting to do business with the County will
816 equalize the total compensation between similarly situated spouses and those
817 with domestic partners.

818 **(2)** As used in this section, the following terms shall have the meanings
819 indicated:

820 **(a) Board** means the contract compliance hearing board as defined in s.
821 19.51(5).

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

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

- 832 1. The benefit would have been provided to the domestic partner if that person
833 was a spouse of the employee; and
- 834 2. After making a reasonable effort to provide the benefit to a domestic partner
835 of an employee, the employer is unable to provide the benefit.

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

- 838 1. Involves only the purchase of goods;
- 839 2. Is a contract or lease for use of facilities at the Alliant Energy Center;
- 840 3. Is a contract in existence prior to the effective date of this ordinance. The
841 term of such contract shall not be extended unless the requirements of this
842 section are incorporated into the contract.
- 843 4. Is a contract with a school district, municipality, or other unit of government;
844 or
- 845 5. Involves a collective bargaining agreement in existence prior to the effective
846 date of this ordinance, provided that the contractor must agree to propose to the
847 applicable collective bargaining unit that the equal benefits requirement be
848 incorporated into the agreement upon amendment, extension or other
849 modification occurring after the effective date of this ordinance.

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

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

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

859 ~~membership discounts, moving expenses, pension and retirement benefits, and~~
860 ~~travel benefits.~~

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

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

865 (j) *Service contract* means any contract with the County, for the provision of
866 services to any County department or agency. The purchasing agent shall

867 review each bid specification or request for proposal and make a determination
868 as to whether the proposed contract will constitute a service contract.

869 **(3) Applicability.**

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

871 1. All contractors as follows:

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

874 b. A contractor's operations on real property located outside of Dane County if
875 the property is owned by the County or the County has the right to occupy the
876 property, and if the contractor's presence at or on that property is connected to a
877 contract with the County; and

878 c. ~~The A~~ contractor's employees located elsewhere in the United States but
879 outside of Dane County, if those employees are performing work on a county
880 contract.

881 2. All employers who are beneficiaries of economic development grants from
882 the County.

883 3. Dane County regarding its employees, including limited term employees.

884 4. All loan recipients.

885 **(b)** Notwithstanding anything to the contrary, the ~~controller~~Controller or
886 designee may waive the provisions of this section when there is only one
887 prospective contractor willing to enter into a contract with the County on the
888 terms and conditions established by the County, or when the needed services or
889 public works are available only from a sole source and the prospective contractor
890 is not currently disqualified from doing business with the County based on any
891 contract compliance requirements, and such waiver is in the best interest of
892 Dane County. Any such waiver shall be reported to the Personnel & Finance
893 Committee.

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

898 **(5)** Every public works and service contract, every grant of economic
899 assistance, and every loan entered into by the County shall contain the following
900 notice: "The contractor [grant beneficiary or loan recipient] agrees to provide the
901 same economic benefits to all of its employees with domestic partners as it does
902 to employees with spouses, or the cash equivalent if such a benefit cannot
903 reasonably be provided. The contractor [grant beneficiary or loan recipient]
904 agrees to make available for County inspection the contractor's [grant
905 beneficiary's or loan recipient's] payroll records relating to employees providing
906 services on or under this contract or subcontract [grant or loan]. If any payroll
907 records of a contractor [grant beneficiary or loan recipient] contain any false,
908 misleading or fraudulent information, or if a contractor [grant beneficiary or loan
909 recipient] fails to comply with the provisions of s. 25.14, D.C. Ords., the contract
910 compliance officer may withhold payments on the contract [grant or loan];
911 terminate, cancel or suspend the contract [grant or loan] in whole or in part; or,
912 after a due process hearing, deny the contractor [grant beneficiary or loan

913 recipient] the right to participate in bidding on future County contracts [grants or
914 loans] for a period of one year after the first violation is found and for a period of
915 three years after a second or subsequent violation is found.”
916 **(a)** Every contractor, grant beneficiary, or loan recipient shall provide a similar
917 written notice to any subcontractor.
918 **(6)** The County’s purchasing agent shall add a summary of the requirement for
919 the equal benefits to the County’s standard *Bids & Specifications* document.
920 **(7)** For every service contract, economic development assistance grant, or loan,
921 a notice of the equal benefits requirement shall be kept posted by the contractor,
922 grant beneficiary, or loan recipient at the site of the work in a prominent place
923 where it can be easily seen and read by persons employed in the performance of
924 such contract, grant, or loan. The poster shall also provide information of the
925 means the reader may use to file a complaint of violation. In addition, copies of
926 the equal benefit requirement shall be provided to any person employed in the
927 performance of a service contract, economic development assistance grant, or
928 loan upon request and within a reasonable period of time.
929 **(8)(a)** Upon completion of a contract, grant, or loan and before receiving final
930 payment for his or her work on said contract, grant, or loan, each contractor,
931 grant beneficiary, or loan recipient shall furnish the County with a certification
932 affirming that he or she has complied fully with the requirements of this section.
933 A contractor, grant beneficiary, or loan recipient may not receive final payment
934 until such certification is filed.
935 **(b)** Notwithstanding the provisions of sub. (a), Human Services contractors that
936 are paid 1/12th of an annual contract per month may receive final payment prior
937 to filing the required certification, but must file said certification on an annual
938 basis at the completion of the contract term.
939 **(c)** When requested by the contract compliance officer, the contractor, grant
940 beneficiary, or loan recipient shall also furnish certifications from each of his or
941 her subcontractors.
942 **(9)** Each contractor and subcontractor providing County-compensated services,
943 each grant beneficiary receiving an economic development assistance grant,
944 and each loan recipient shall keep full and accurate records of benefits provided
945 or cash equivalents paid for every employee subject to this section.
946 **(10)** The contract compliance officer or designee may demand and examine, and
947 it shall be the duty of every contractor, subcontractor, grant beneficiary, or loan
948 recipient and agent thereof to keep and furnish to the contract compliance officer
949 or designee, copies of records which relate to the benefits provided or cash
950 equivalents paid to employees providing County-compensated services.
951 **(11)** If requested by any person, the contract compliance officer or designee shall
952 inspect the payroll records of any contractor, subcontractor, grant beneficiary, or
953 loan recipient, or agent thereof, providing County-compensated services or
954 receiving an economic development assistance grant or loan to ensure
955 compliance with this section.
956 **(12)(a)** An affected employee may file a complaint alleging a contractor’s, grant
957 beneficiary’s, or loan recipient’s violation of this section. All complaints shall be
958 filed with the contract compliance officer.

959 (b) The contract compliance officer shall investigate and determine whether
960 there has been a violation of this section and provide copies of a proposed
961 decision to the complainant and the contractor, grant beneficiary, or loan
962 recipient. If a violation is found, the proposed decision may include any of the
963 following:

- 964 1. Withholding of payments due the contractor, grant beneficiary, or loan
965 recipient in an amount sufficient to pay the wages due all affected employees;
- 966 2. Termination, suspension or cancellation of the contract, grant, or loan, in
967 whole or in part;
- 968 3. Debarment for a period of up to three years.

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

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

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

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

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

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

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

989
990 **25.14 FINANCIAL INTEREST PROHIBITED.** (1) Employees engaged in the act
991 of procurement shall not be personally or financially interested in, or in any
992 manner connected directly or indirectly with, any bidder or proposer. Such
993 employees shall not solicit, accept or receive, directly or indirectly, from any
994 bidder or proposer, by rebate, gift or otherwise, any money or other thing of
995 value, nor receive any promise or obligation for future reward or compensation
996 from any bidder or proposer, nor financially profit in any manner from their
997 employment with Dane County, other than the wages and benefits furnished
998 directly by the ~~county~~County.

999 (2) All ~~county~~County purchase orders, bid specifications, requests for proposal
1000 and contracts shall contain, when feasible, reference to state law prohibiting any
1001 public officer or employee's private pecuniary interest, direct or indirect, in any
1002 public contract.
1003

1004 **25.15 PAYMENT PROCEDURE.** After proper processing and auditing of
1005 requisitions, purchase orders and vouchers, and approval of the ~~county~~
1006 ~~board~~County Board or personnel and finance committee, as appropriate,
1007 payments shall be made in accordance with the terms of the contract.
1008

1009 **25.16 UNLAWFUL PURCHASES.** Contracts for any goods or services contrary
1010 to the provisions of this chapter, or the rules or regulations made thereunder,
1011 shall be void.
1012

1013 **25.17 SURPLUS PROPERTY MANAGEMENT. (1)(a)** Departments which have
1014 equipment or supplies which are unsuitable or have become unnecessary, and
1015 which are not to be traded in, shall report such fact, with a description of such
1016 equipment or supplies, to the ~~controller~~Controller. Upon receipt of such notice,
1017 the ~~controller~~Controller shall canvas other ~~county~~County departments to
1018 determine whether they need the items or supplies.

1019 **(b)** If such items or supplies are not needed by any ~~county~~County department,
1020 they may be made available to municipalities within the ~~county~~County at a price
1021 to be established by the ~~controller~~Controller. If no municipality has use for such
1022 items or supplies, they may be sold by the ~~controller~~Controller on the open
1023 market at the price to be established by the ~~controller~~Controller or by competitive
1024 bidding, whichever method is deemed most advantageous to the ~~county~~County.

1025 **(c)** The proceeds from the sale of any equipment or supplies hereunder shall be
1026 paid to the Dane County Treasurer and shall be recorded by the ~~county~~
1027 ~~controller~~County Controller in an account established for such purpose.

1028 **(2)** Surplus property may be retained in a used property pool controlled and
1029 administered by the ~~controller~~Controller, such property to be utilized as needed
1030 by ~~county~~County departments in accordance with regulations established by the
1031 department of administration or disposed of in accordance with this section.

1032 **(3)** Notwithstanding any other language to the contrary in this ordinance, no
1033 property with a current book value to the ~~county~~County of more than \$200,000
1034 shall be considered surplus until declared as such by the ~~county board~~County
1035 Board.

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SUBCHAPTER II SPECIFIC CONTRACT REGULATIONS

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

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

1049 (c) All other contracts for the Human Services Department are subject to the
1050 provisions of this chapter.

1051 (2)(a) Notwithstanding anything to the contrary in this chapter, change orders,
1052 modifications and addenda to human services department contracts that are
1053 under 10% of the aggregate cost of the contract may be approved by the
1054 director of the department of human services.

1055 (b) Change orders, modifications or addenda to human services contracts that
1056 exceed 10% of the aggregate cost of the contract must be approved by the
1057 Health and Human Needs Committee and Personnel and Finance Committee.

1058 (3) The human services department is authorized to develop purchasing
1059 procedures, not inconsistent with this chapter, to procure goods and services
1060 related to client services.

1061

1062 **25.51 HIGHWAY CONTRACTS.** (1) The highway commissioner is authorized
1063 to make purchases directly related to highway construction in accordance with
1064 sec. 83.015(2)(b), Wis. Stats. The highway commissioner may, in his or her
1065 discretion, utilize the services of the purchasing division for any other or all
1066 supplies or equipment which are directly related to highway construction.
1067 Purchases not directly related to highway construction shall be conducted
1068 through the purchasing division in accordance with this ordinance.

1069 (2) Pursuant to the provisions of sec. 83.035, Wis. Stats., the Dane County
1070 Highway Commissioner, with the approval of the Dane County Highway
1071 Committee, is hereby authorized to execute contracts, in triplicate, with a copy to
1072 be filed with the ~~county clerk~~ County Clerk, and with cities, villages and towns of
1073 Dane County for the purpose of enabling the ~~county~~ County to construct and
1074 maintain streets and highways in such municipalities. Maintenance shall include
1075 the furnishing of any road supplies and equipment to such municipalities.

1076 (3) The Dane County Highway Department shall undertake no construction or
1077 maintenance for such municipalities in excess of the ~~county~~ County aid
1078 authorized by the ~~county board~~ County Board.

1079 (4)(a) All contracts executed with any municipality for such road work shall
1080 provide that payment in full must be made to Dane County within 120 days of the
1081 completion of such road work.

1082 (b) If a municipality fails to make payment in full within the above-prescribed 120
1083 days, the Dane County Highway Department shall do no further work of any type
1084 nor furnish any road supplies or equipment for or to such municipalities.

1085 (c) If a municipality fails to make payment in full within the above-prescribed 120
1086 days, any unpaid balance outstanding shall bear interest at the rate of five
1087 percent (5%) per annum until paid.

1088

1089 **25.52 PUBLIC WORKS CONTRACTS.** The public works director is authorized
1090 to make purchases directly related to public works construction in accordance
1091 with chapter 40 and s. 59.52(29), Wis. Stats. The director of public works may,
1092 at his or her discretion, utilize the services of the purchasing division for any
1093 other or all goods and services related to public works construction which are
1094 required by the public works department. Purchases not directly related to public

1095 | works construction shall be made through the ~~controller~~Controller in accordance
1096 | with this ordinance.

1097 |
1098 | **25.53 JAIL INMATE PERSONAL SERVICES.** (1) Dane County shall not
1099 | provide services or enter into any contract for telephone, laundry or commissary
1100 | services for jail inmates; that is intended to generate revenues in excess of the
1101 | costs of providing these services to jail inmates.

1102 | (2) The procurement of telephone, laundry or commissary services for jail
1103 | inmates shall be subject to competitive bidding under this section; and designed
1104 | to achieve the lowest possible cost for inmates consistent with public safety.

1105 | (3) The provisions of this subsection shall not apply to any fee charged by the
1106 | ~~county~~County that is associated with security of the jail or electronic monitoring
1107 | for release programs.

1108 |
1109 | **25.54 MUNICIPAL GRANTS.** When considering a grant application by a
1110 | municipality, the financial capacity of the municipality to fund the project shall be
1111 | considered.

1112 | (1) For capital grants, the following criteria shall be considered:

1113 | (a) The outstanding debt per capita of the municipality; and

1114 | (b) The municipality's tax rate compared to the average tax rate of other
1115 | municipalities of the same class.

1116 | (2) For operating grants, the amount of any remaining capacity under local levy
1117 | limits shall be considered.

1118 | (3) Grants for development planning and related projects will not be made for
1119 | projects inside a municipality's tax increment districts.

1120 |
1121 | **25.55 APPROVAL OF CONTRACTS UNDER SUBCHAPTER II.** Except as
1122 | otherwise provided in this chapter, contracts entered into under the authority of
1123 | this subchapter shall follow the standard contract approval and routing process
1124 | as established by Dane County policies and procedures. Contracts shall in all
1125 | ways conform to the requirements of applicable state statutes.

1126 |
1127 |
1128 | *[EXPLANATION: This amendment reorganizes the existing provisions of*
1129 | *Chapter 25, makes minor textual housekeeping changes, and creates specific*
1130 | *exceptions for human services contracts.]*

1131 |
1132 |