

2023 OA-030

AMENDING CHAPTER 40 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING APPROVAL OF PUBLIC WORKS CONTRACTS
AND CHANGE ORDERS

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

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

ARTICLE 2. Section 40.07(2) is amended to read as follows:

40.07 PUBLIC WORKS PROJECTS, BIDS, CONTRACTS.

(2)(a) All contracts for public works projects, and addendums thereto, that are estimated to exceed \$100,000, and any contract designated in writing to the Controller by the County Board Chairperson or Personnel and Finance Committee Chairperson, shall be subject to approval by the County Board and County Executive.

(b) All public works projects, where the cost is estimated to be less than the amount specified in section 59.52(29), Wis. Stats., or any amendments thereto, \$100,000 may be contracted for directly by the agency of the county through the office of the director/department, in conformance with Wis. Stat. s. 59.52(29), provided that funds for such purpose have been specifically appropriated therefor in annual budgets or have been provided through authorized budget transfers by the finance committee. If the contract is less than the amount specified in Wis. Stat. s. 59.52(29), the provisions of this subsection shall not preclude obtaining competitive bids for such work where deemed feasible or in the best interest of the county. The granting of a contract under this subsection shall not, however, be subject to sections 59.52(29) and 66.0901, Wis. Stats., and the contract may be awarded to the bidder deemed best qualified to perform the work, in the discretion of the responsible agency department.

ARTICLE 3. Section 40.09 is amended to read as follows:

40.09 APPROVAL OF PLANS, AWARDS OF CONTRACTS.

(1) After preliminary plans, studies and cost estimates have been approved by the ~~agency concerned~~ department, the same shall be referred to the board for concurrence where the estimated cost of the project exceeds \$100,000 ~~40,000~~, unless the board directs otherwise.

(2) If the board approves preliminary plans and cost estimates as submitted, approval of the same shall be indicated by a resolution which shall include authority for preparation of final plans and specifications, solicitation of bids, a report of the results of said bid-letting to the board and recommendation for award of a contract to the lowest bidder pursuant to statute, or non-award with reasons therefor.

47 (3) Adoption by the board, of the resolution reporting the bids and awarding a
48 contract or contracts to the lowest responsible bidder or bidders, shall constitute
49 authority to execute the necessary contract documents by the county executive
50 and the county clerk on behalf of Dane County, after all preliminary contract
51 conditions have been met by the bidder and after bonding and insurance
52 requirements have been approved by the corporation counsel.

53 (4) The resolution awarding the contract shall contain provisions authorizing and
54 directing the ~~responsible committee or agency department~~ to supervise and be
55 responsible for the proper execution of the terms of the contract, with the
56 assistance of the architects, ~~or~~ engineers ~~or clerk of the works~~ where applicable,
57 ~~and shall contain provisions for approval of change orders within the limits~~
58 ~~prescribed in the resolution and the appropriation for the work, subject however~~
59 ~~to submission of change orders to the board for approval where the sum involves~~
60 ~~\$20,000 or more than 10% of the amount originally approved, whichever is~~
61 ~~smaller.~~

62 ~~(5) On projects where the estimated cost does not exceed \$40,000 and where a~~
63 ~~specific budget appropriation has been made for the project, the agency of the~~
64 ~~board concerned may proceed with the taking of bids where required and award~~
65 ~~a contract without further action of the board, subject however to statutory~~
66 ~~requirements, the limits of the appropriation (including change orders or~~
67 ~~contingencies) and approval of insurance certificates and bonds by the~~
68 ~~corporation counsel. After approval of bonds and insurance certificates, the~~
69 ~~chairperson and secretary of the agency concerned shall be authorized to~~
70 ~~execute contract documents where necessary.~~

71 (5) Any change order of \$50,000 or more shall be approved by the county board.
72 Any change order for less than \$50,000 but more than \$10,000 shall be
73 approved by the committee. Any change order for less than \$10,000 may be
74 approved by the director but shall be reported to the committee at its next
75 meeting.

76 (6) Subject to section 40.04(6) of the Dane County Ordinances, all bids for
77 public works projects shall be advertised through the office of the purchasing
78 agent in such media as is deemed appropriate by the agency charged with the
79 project in order to provide the widest possible solicitation of bids.

80 (7) No public works project shall be undertaken or commitment made therefor,
81 unless specific appropriations have been made in annual budgets. For proposed
82 projects not authorized in budgets or supported by specific appropriation, if the
83 need therefor is approved by the finance committee, such committee may
84 transfer unexpended funds in annual budgets to an appropriate account pursuant
85 to board rule and authorize expenditure for such projects where the estimated
86 cost does not exceed \$5,000.

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89 *[EXPLANATION: This amendment designates who may approve public works*
90 *contracts and change orders.]*