

**Ordinance No. 2024- 01**

**Town of New Haven  
Dunn County, Wisconsin**

**Responsible Bidder Ordinance**

It is hereby ordained by the Town Board of the Town of New Haven, Dunn County, Wisconsin, as follows:

**Section 1 – Title and Purpose**

This ordinance is entitled the Town of New Haven Responsible Bidder Ordinance. Pursuant to Wis. Stat. §66.0901, whenever the Town lets public work by contract in an amount subject to public bidding requirements under Wisconsin law, the contract must be awarded to the lowest responsible bidder. What constitutes a responsible bidder is a determination that requires the exercise of discretion by the Town and its departments, officials or employees under reasonably consistent responsible bidder criteria when exercising its discretion.

**Section 2 – Authority**

The Town Board of the Town of New Haven, Dunn County, Wisconsin, has the specific authority under Wis. Stats. 60.22(3) to adopt this ordinance.

**Section 3 – Definitions**

In this section, the following definitions shall apply:

- A. “Contractor” means a person, corporation, partnership or any other business entity that performs work on a Public works contract as a general contractor, prime contractor or subcontractor at any tier.
- B. “Public works contract” means a contract for the construction, alteration, execution, repair, remodeling or improvement of a public work or building, where the contract is required to be bid pursuant to Wis. Stat. §59.52(29).

**Section 4 – Responsible Bidder Criteria**

In order to be a responsible bidder for purposes of being awarded a Public works contract, the contractor must meet the following criteria:

- A. The contractor maintains a permanent place of business.
- B. The contractor is authorized to do business in the State of Wisconsin.
- C. The contractor, or agent, partner, employee or officer of the contractor, is not debarred, suspended, proposed for debarment or declared ineligible from contracting with any unit of federal, state or local government.
- D. The contractor is in compliance with provisions of Section 2000e of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- E. The contractor has general liability, worker’s compensation, automobile insurance and unemployment insurance.

- F. If applicable, the contractor has complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years.
- G. The contractor has a written substance abuse prevention program meeting the requirements of Wis. Stat. §103.503.
- H. The employees who will perform work on the project are properly classified as employees or independent contractors under all applicable state and federal laws.
- I. The contractor has not been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, including but not limited to, classification of employees, unemployment insurance, discrimination or payroll fraud. If the contractor has been the subject of any investigation, order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order or judgment and/or may be disqualified.
- J. The contractor's employees who will perform work on the project are:
  - a. Covered under a current worker's compensation policy; and properly classified under such policy.
  - b. Have the health insurance coverage if required by federal or state law.
- K. The contractor possesses all applicable professional and trade licenses required for performing the Public works contract.
- L. The contractor has adequate financial resources to complete the Public works contract, as well as all other work the bidder is presently under contract to complete.
- M. The contractor is bondable for the terms of the proposed Public works contract.
- N. The contractor has a record of satisfactorily completing projects of similar size and complexity within the last five (5) years.
- O. Criteria which will be considered in determining satisfactory completion of projects may include, but are not limited to:
  - a. Completion of contracts in accordance with drawings and specifications;
  - b. Diligent execution of the work and completed contracts according to the established time schedules unless extensions are granted by the owner; and
  - c. Fulfilled guarantee requirements of the contract documents.
- P. The contractor has, and diligently maintains, a written safety program.
- Q. The contractor has access to all equipment, organizational capacity, and technical competence to perform the work covered by the Public works contract.
- R. The contractor has been in business for at least twelve (12) months.

#### **Section 5 – No Restriction on Discretion**

If information other than what was disclosed by the contractor in Section 4 is discovered by the Town, and such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a Public works contract, that information shall be considered in determining whether the contractor is a responsible bidder. The Town reserves the right to weigh the various factors outlined in Section 4 and waive any factor in its sole discretion.

#### **Section 6 – Affidavit of Compliance**

The general or prime contractor bidding on a public works project must include in its sealed bid:

- A. Its own affidavit swearing compliance with the criteria set forth in Section 4 on the form required by the Town; and
- B. An affidavit swearing compliance with the criteria set forth in Section 4 on the form required by the Town from every subcontractor at any tier who will perform work on the project.


**Section 7 – Severability**

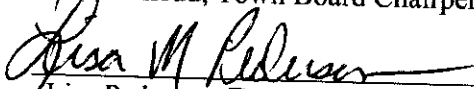
If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

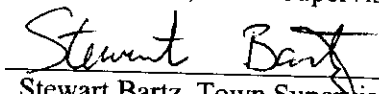
**Section 8 – Effective Date**

This ordinance shall take effect immediately upon passage and publication as required by law.


The foregoing Town of New Haven Responsible Bidder Ordinance was enacted by a majority vote of the Town Board of the Town of New Haven on the 14 day of May, 2024.

  
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Jeff Carlsrud, Town Board Chairperson

  
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Lisa Pederson, Town Supervisor

  
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Stewart Bartz, Town Supervisor

Attest:

  
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Katie Bovee, Town Clerk