

BIDS AND CONSTRUCTION CONTRACTS

ENVIRONMENTAL LOANS

If a municipality is receiving financial assistance from Environmental Loans (EL), municipal officials and their consulting engineer are expected to comply with Wisconsin Statutes when bidding the construction project. Wisconsin Statutes require municipalities to follow competitive bidding procedures for all public works construction contracts and purchases exceeding \$25,000. Bidding of certain public contracts is specifically required for towns and villages. Municipalities should work with their attorneys to ensure compliance with Wisconsin's bidding laws.

Prior to bidding a Clean Water Fund Program or Safe Drinking Water Loan Program project, the municipality should obtain the necessary approvals for any engineering reports, selected sites, facility plans, and plans & specifications from the following DNR bureaus:

- Wastewater treatment projects - Bureau of Water Quality
- Urban runoff projects - Bureau of Watershed Management
- Drinking water projects - Bureau of Drinking Water and Groundwater

Before awarding financial assistance for any project, an EL Project Manager must complete a bid review based on submission of the required documentation listed below for each prime contract:

- A bound, complete (preferably conformed) copy of the executed construction contract, including up-to-date copies of all addenda, attachments, appendices, appropriate Davis-Bacon wage-rate information, and all other applicable documentation that makes the contract complete
- A copy of each of the following items unless the document is included in the bound construction contract
 - ⇒ Proposal of the successful bidder
 - ⇒ Bid tabulation
 - ⇒ Engineer's recommendation based on bid evaluation
 - ⇒ Legal counsel's opinion of statutory compliance, if contract awarded to other than the low bidder
 - ⇒ Addenda and/or changes to plans and specifications
 - ⇒ Evidence of municipality's advertisement for bids, including appropriate language regarding wage rates and other federal requirements (copy of advertisement and affidavit of publication)
 - ⇒ The bid bond
 - ⇒ The performance bond
 - ⇒ Evidence of award of the construction contract (municipal resolution or municipal meeting minutes)
 - ⇒ Construction start date and expected substantial and final completion dates (may be notice of award and or/notice to proceed and/or included in the contract)
 - ⇒ Documentation of DBE Solicitation (DBE Contacts Worksheet-[Form 8700-294A](#) or other format and/or contractor bid advertisement requesting DBEs to submit subcontractor proposals)

EL Project Managers review the above bidding documentation to verify compliance with applicable Wisconsin Administrative Codes and Statutes. DNR does not approve the bids or the bidding process. If legal questions arise during the bidding process, the municipality should discuss the issues with its legal counsel.

The Bureau of Community Financial Assistance Grants Section developed a "[Procurement Guide for Local Governments Receiving Grants \(State or Federal\)](#) from the Wisconsin Department of Natural Resources". Although the Guide is aimed at grant recipients, the bidding requirements, methods and notices described in this document also apply to loan recipients.

Contact an EL project manager for further information regarding bidding requirements.