

ENROLLED ORDINANCE 181-10

AMEND SECTION 7-15 AND 7-80 THROUGH 7-87 OF THE WAUKESHA COUNTY  
CODE OF ORDINANCES REGARDING BIDDING ON PUBLIC WORKS CONTRACTS  
AND PROCUREMENT POLICY THRESHOLDS

WHEREAS, Section 7-15 of the Waukesha County Code of Ordinances currently requires that public works, the estimated cost of which does not exceed twenty-five thousand dollars (\$25,000.00) be let to the lowest qualified bidder upon the solicitation of three (3) quotes; and

WHEREAS, Wisconsin Statutes section 59.52(29) relating to public works has recently been amended to increase the dollar amount threshold requirements for the bidding of public works contracts to fifty thousand dollars (\$50,000), adjusted by inflation, and to add certain exemptions to the bidding requirements; and

WHEREAS, Chapter 7, Division 5 of the Code establishes procurement policy, including competitive procurement thresholds for non-public works, in which there is an objective to be consistent with statutory requirements governing public works; and

WHEREAS, the County previously required Finance Committee review of certain professional service contracts at a threshold of fifty thousand dollars (\$50,000.00), and this ordinance increases that threshold to one hundred fifty thousand dollars (\$150,000.00) to focus oversight on higher-value contracts and improve administrative efficiency; and

WHEREAS, it is desirable to amend Sections 7-15 and 7-80 through 7-87 of the Waukesha County Code of Ordinances to match the bidding threshold requirements and exemptions allowed by the Wisconsin Statutes and to meet the countywide objectives of consistency and efficiency.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 7-15 is amended by repealing and recreating it to read as follows:

**Sec. 7-15. Bidding on public works contracts.**

(a) All public work, the estimated cost of which does not exceed the bidding threshold under Wisconsin Statutes section 59.52(29)(e)1.a., as that section shall be modified, amended or renumbered from time to time, shall be let to a person qualified as a bidder under Wisconsin Statutes section 66.0901, and, shall be procured in accordance with the County's informal procurement procedures.

(b) The procedure for selection of a pre-qualified bidder shall be as follows:

1. A county department, in so far as it is practical, shall solicit three competitive (3) bids from persons qualified as bidders under Wisconsin Statutes section 66.0901;

2. The award shall be made to the person offering the lowest responsible and responsive bid or proposal, taking into consideration price, qualifications, and other relevant factors.

The above procedure only applies to public work covered under Wisconsin Statutes section 59.52(29) and does not apply to highway contracts which the county highway commission is authorized by law to let or make, to construction by a private person of an improvement that is donated to the county after completion of construction, or to public work for the purpose of providing housing for persons placed on supervised release under Wisconsin Statutes section 980.08.

(c) The public works committee shall approve the forms to be used by persons wishing to prequalify for bidding under Wisconsin Statutes section 66.0901.

BE IT FURTHER ORDAINED that Section 7-80 through 7-87 is amended by repealing and recreating as follows:

DIVISION 5.       PROCUREMENT POLICY

**Sec. 7-80.   General policy.**

(a) The county's policy is to promote, whenever possible and beneficial, procurement through a competitive process.

(b) The Department of Administration (DOA) may adopt, implement, and amend procurement operational procedures for all county departments to follow, which are consistent with the policy adopted in this Code concerning procurement activities.

1. DOA is authorized to establish forms to be used by the departments in requisitioning, ordering, and reporting of materials, supplies, equipment, and services.
2. Waukesha County employees shall furnish such reports as DOA may require concerning usage, needs, and inventory.

(c) Purchase of all materials, supplies, equipment, and services shall be made by means of a requisition order submitted to DOA by department officials who have the authority to expense departmental appropriations.

1. Contracts and purchase orders for any materials, supplies, equipment, or services contrary to the policy adopted in this Code concerning the procurement activity, and procedures based upon that policy, shall be void.
2. Except for emergency procurements as allowed under provisions of this Code, no order for materials, supplies, equipment, or services shall be awarded unless the department's unencumbered appropriation balance is sufficient to cover the cost of such order.
3. The purchase of any materials, supplies, equipment, or services by DOA shall not be construed to include:
  - A. Bidding and contracting for public works as specified under section 7-15 of this code.

- B. Any materials, supplies, equipment, or services which are finished by the contractor as part of the requirements of the public works contract.

**Sec. 7-81. Competitive procurement.**

(a) Procurements with a dollar threshold as defined in Wisconsin Statutes section 59.52(29)(e)1.a. shall be designated as formal procurements and shall require a competitive solicitation process, including public notice when practicable and advantageous to the County.

(b) Procurements with an estimated value of less than the dollar threshold as defined in Wisconsin Statutes section 59.52(29)(e)1.a. shall be designated as informal procurements and shall require the solicitation of three competitive quotes when practicable and advantageous to the County.

(c) DOA may determine that a competitive process is impractical or not advantageous under the following circumstances:

1. Specifications cannot reasonably be developed;
2. The goods or services are available only from a single source;
3. The procurement requires specialized, technical, or professional expertise;
4. An emergency condition exists;
5. Competitive solicitation has been unsuccessful.

(d) Awards shall be made to the lowest responsible and responsive bidder or proposer, consistent with County requirements and procurement procedures.

(e) DOA is authorized to negotiate pricing and scope with the lowest responsible and responsive bidder when:

1. All bids exceed available funding;
2. The lowest bid exceeds available funding by a reasonable margin; or
3. Time or economic conditions make re-solicitation impractical.

(f) Procurements shall not be artificially divided to avoid formal procurement requirements.

(g) All contracts resulting from formal procurement shall be executed in the name of the County and approved as to form by Corporation Counsel.

**Sec. 7-82. Cooperative procurement.**

(a) Waukesha County may participate in, sponsor, conduct, or administer a cooperative procurement agreement for the procurement of any materials, supplies, equipment, or services with one (1) or more public procurement units in accordance with an agreement entered into between the participants. Cooperative procurement may include, but is not limited to:

1. Joint or multi-part contracts between public procurement units.
2. Open-ended state, municipal, federal and other public procurement unit contracts which are made available to other public procurement units.

(b) DOA shall encourage active business community participation in the county's procurement process.

**Sec. 7-83. Emergency procurement.**

(a) An "emergency" is defined as a situation in which a breakdown in service occurs which has an immediate effect on life, health, or safety, or which will result in a work stoppage.

(b) An "emergency procurement" is defined as the obtaining for immediate use in an emergency the materials, supplies, equipment, or services vitally necessary to restore operation of the service.

1. If the emergency occurs when DOA is not open for business or is otherwise unavailable, departments may make or request emergency procurements from the most practicable source.
  - A. A requisition for that which had been obtained shall be promptly forwarded to DOA, accompanied by a communication from the department head or designee which explains the emergency.
  - B. DOA shall issue a confirming order to the vendor or vendors from whom commodities were obtained.
2. Under all other circumstances, the department shall notify DOA, who will determine whether or not an emergency procurement is warranted and, if so, how the materials, supplies, equipment, or services will be secured without delay.

(c) Any person who directly procures any materials, supplies, equipment, or services and issues a requisition to DOA after the purchase has been completed which is deemed by DOA not to be an emergency procurement and not executed in good faith, is, at the direction of the county executive, personally subject to disciplinary action and/or the charge of the goods thus ordered.

**Sec. 7-84. Purchasing authority - generally.**

(a) The DOA Director or designee (e.g., Procurement Division Manager) is authorized to procure or to provide for the procurement of any material, supply, equipment, or service for the use of any department comprising the county government. All procurements shall be pursuant to the County Code, state, and federal law and all interpretations as to the applicability of the Code shall be determined at the direction of the county executive.

(b) Nothing in this division shall be construed to prevent the DOA Director or duly authorized designee from:

1. Making procurements or contracts in anticipation of the needs of departments.
2. Maintaining stores of commodities in anticipation of need.

(c) In addition to the general authority for procuring all county goods and services, DOA is specifically authorized to:

1. Sell, trade, or otherwise dispose of for value all surplus or obsolete county supplies, materials, and equipment.

2. Exercise general supervision over the adequacy of and provision for all inventories of county supplies.
3. Develop procurement standards for internal and departmental use.
4. Establish and maintain programs for specification development and compliance, contract administration and inspection, and acceptance.
5. Let contracts in excess of funds available, provided that each such contract shall state in substance that its continuance beyond the limits of funds already available shall be contingent upon additional funds being provided by the appropriate county authority.
6. Determine the terms and conditions of solicitations, contract type, and contract provisions, provided that such terms, conditions, or provisions are in the best interests of the county and are not contrary to this division or any state or federal law.
7. Resolve controversies and protested solicitations and awards between the county and the contractor which arise under or by virtue of a contract between them. This includes, without limitation, authority to:
  - A. Settle or resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract.
  - B. Settle or resolve controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission, consistent with other Code provisions regarding claims settlement.
8. Debar or suspend for cause a person or firm from consideration for award of contracts in which case the debarment or suspension:
  - A. Shall be for a period of no more than three (3) years and shall commence after reasonable notice to the person involved and after the person has had reasonable opportunity to be heard.
  - B. Shall be final and conclusive upon the decision of DOA.
9. Require of bidders and contractors such bid or performance bonds from sureties as is deemed advisable by DOA.
10. Decide as to the responsibility and competency of bidders and sureties.
11. Decide, upon receipt of any procurement requisition, when the procurement will be initiated and the time for response to solicitation, provided that:
  - A. The requesting department is notified if any dates DOA establishes exceed those stated by the requesting department.
  - B. The requesting department is notified if procurement timetables are likely to result in delivery later than the delivery date stated in the procurement requisition.

**Sec. 7-85. Delegations.**

(a) DOA may delegate to any county department the authority to procure independently such materials, supplies, equipment, or services of a special character as are used only by that department or which may be more efficiently procured by that department. Such delegation shall remain in effect unless modified or revoked in writing. A department which has been delegated procurement authority shall:

1. Forward all written contracts resulting from the procurement activity to DOA for execution.
2. Comply with such standards and rules as promulgated by DOA concerning the exercise of independent procurement.

(b) DOA shall have the privilege to call upon any county department or employee for information, advisement, or assistance in the performance of procurement activity which is within the scope of such department or employee to provide.

**Sec. 7-86. Procurement information.**

(a) It is the responsibility of personnel engaged in the procurement requisition and procurement process in all county departments to be aware of and to comply with the procurement policy of this Code and the procurement procedures which have been developed or will be developed which are consistent with such policy.

(b) Procurement information shall be a public record to the extent provided in Wisconsin Statutes, section 19.32(2), and shall be available to the public as provided in such statute.

**Sec. 7-87. County board review of professional service contract procurement process.**

(a) General policy.

1. It is declared to be the policy of Waukesha County to encourage, insofar as it is practical and advantageous to the county, procuring by a competitive process.
2. The county board has a special interest, as part of performing its oversight responsibilities, in reviewing the contract procurement process for professional services prior to commitment with private sector providers since the selection process usually must be based on more subjective criteria in addition to price.
3. To ensure timely execution of services and review of the most significant professional service contracts, professional service contracts with county commitment of funds of one hundred fifty thousand dollars (\$150,000.00) or greater shall be subject to special county board review of the procurement process.

(b) Definitions. As used in this section:

*Professional services* means creative and individual talents requiring special skills or training of a technical, artistic, or experimental nature.

*Request for proposal (RFP)* means the process utilized to evaluate competing proposals on a basis other than price exclusively.

*Professional service contract* means a binding written agreement setting forth terms and conditions of the offer and acceptance between the county and a professional service provider.

*Procurement process* means the method used to evaluate which proposal is most advantageous to the county, taking into consideration price and evaluation factors as set forth in the RFP. The process will contain the following:

1. Developing adequate specifications and criteria for the RFP.
2. Advertising and soliciting potential proposers.
3. Evaluating proposals in accordance with established criteria by a committee whose members have no personal or financial relationship with the proposer. The evaluation committee shall be comprised of members selected in accordance with county procurement policies and procedures to ensure that integrity and the objectivity of the process is preserved.
4. Selecting the highest rated proposal.

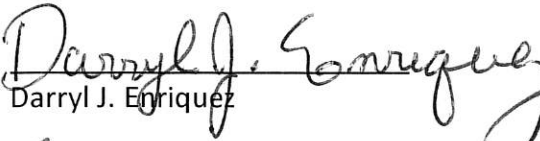
(c) *Review process.*


1. All RFPs which are distributed or available to the public and potential proposers shall be forwarded to the County Board Office for a determination by the appropriate standing committee chair for agendaizing it for an information only review.
2. All professional services contracts for county commitment of one hundred fifty thousand dollars (\$150,000.00) or greater prior to commitment shall be referred to the finance committee to make a finding that county procurement policy and the procurement process described above was followed.
3. If the finance committee has not acted on a professional service contract within forty-five (45) days after it was referred to them, then the county executive or his designee may act on the contract without county board approval.

AMEND SECTIONS 7-15 AND 7-80 THROUGH 7-87 OF THE WAUKESHA COUNTY CODE OF ORDINANCES REGARDING BIDDING ON PUBLIC WORKS CONTRACTS AND PROCUREMENT POLICY THRESHOLDS

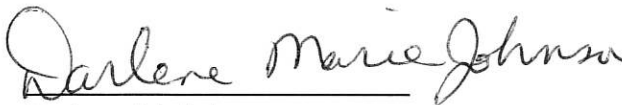
Presented by:  
Finance Committee


  
Timothy Dondlinger, Chair

  
Darryl J. Enriquez

  
Wayne Euclide

  
John G. Gscheidmeier

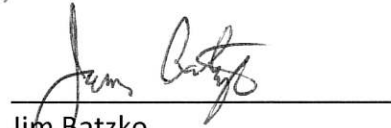
  
Darlene M. Johnson

  
Joseph T. O'Brien

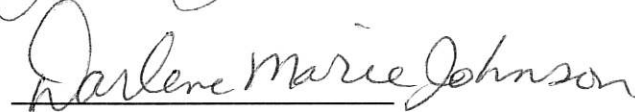
  
Terry Thieme


Approved by:  
Public Works Committee

  
Keith Hammitt, Chair


  
Jim Batzko

  
Johnny Koremenos

  
Darlene M. Johnson

  
Jack Nissen

  
Thomas J. Schellinger

  
Steve Styza

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 05-19-2026,   
County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_


Date: 6-1-2026,   
Paul Farrow, County Executive

**VOTE RESULTS**

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

Consent Agenda

17 Yes Votes Needed

 **Passed**

D1 - Styza	<b>AYE</b>	D10 - Thieme	<b>M</b> <b>AYE</b>	D19 - Enriquez	<b>AYE</b>
D2 - Euclide	<b>AYE</b>	D11 - Howard	<b>AYE</b>	D20 - Schellinger	<b>AYE</b>
D3 - Gscheidmeier	<b>AYE</b>	D12 - Wolff	<b>AYE</b>	D25 - Johnson	<b>AYE</b>
D4 - Batzko	<b>AYE</b>	D13 - Leisemann	ABSENT	D21 - O'Brien	<b>AYE</b>
D5 - Dondlinger	<b>AYE</b>	D14 - Nissen	<b>AYE</b>	D22 - Gryczka	<b>AYE</b>
D6 - Walz	<b>AYE</b>	D15 - Kolb	<b>AYE</b>	D23 - Hammitt	<b>S</b> <b>AYE</b>
D7 - LaFontain	ABSENT	D16 - Crowley	<b>AYE</b>	D24 - Schroeder	<b>AYE</b>
D8 - Koremenos	<b>AYE</b>	D17 - Meier	<b>AYE</b>		
D9 - Heinrich	<b>AYE</b>	D18 - Nelson	<b>AYE</b>		

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2 CODE OF ORDINANCES REGARDING BIDDING ON PUBLIC WORKS CONTRACTS  
3 AND PROCUREMENT POLICY THRESHOLDS  
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5 WHEREAS, Section 7-15 of the Waukesha County Code of Ordinances currently requires that  
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  5. Let contracts in excess of funds available, provided that each such contract shall state in substance that its continuance beyond the limits of funds already available shall be contingent upon additional funds being provided by the appropriate county authority.
  6. Determine the terms and conditions of solicitations, contract type, and contract provisions, provided that such terms, conditions, or provisions are in the best interests of the county and are not contrary to this division or any state or federal law.
  7. Resolve controversies and protested solicitations and awards between the county and the contractor which arise under or by virtue of a contract between them. This includes, without limitation, authority to:
    - A. Settle or resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract.
    - B. Settle or resolve controversies based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission, consistent with other Code provisions regarding claims settlement.
  8. Debar or suspend for cause a person or firm from consideration for award of contracts in which case the debarment or suspension:
    - A. Shall be for a period of no more than three (3) years and shall commence after reasonable notice to the person involved and after the person has had reasonable opportunity to be heard.
    - B. Shall be final and conclusive upon the decision of DOA.
  9. Require of bidders and contractors such bid or performance bonds from sureties as is deemed advisable by DOA.
  10. Decide as to the responsibility and competency of bidders and sureties.
  11. Decide, upon receipt of any procurement requisition, when the procurement will be initiated and the time for response to solicitation, provided that:
    - A. The requesting department is notified if any dates DOA establishes exceed those stated by the requesting department.
    - B. The requesting department is notified if procurement timetables are likely to result in delivery later than the delivery date stated in the procurement requisition.

247 **Sec. 7-85. Delegations.**  
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249 (a) DOA may delegate to any county department the authority to procure independently such  
250 materials, supplies, equipment, or services of a special character as are used only by that department or  
251 which may be more efficiently procured by that department. Such delegation shall remain in effect unless  
252 modified or revoked in writing. A department which has been delegated procurement authority shall:

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1. Forward all written contracts resulting from the procurement activity to DOA for execution.
2. Comply with such standards and rules as promulgated by DOA concerning the exercise of independent procurement.

(b) DOA shall have the privilege to call upon any county department or employee for information, advisement, or assistance in the performance of procurement activity which is within the scope of such department or employee to provide.

**Sec. 7-86. Procurement information.**

(a) It is the responsibility of personnel engaged in the procurement requisition and procurement process in all county departments to be aware of and to comply with the procurement policy of this Code and the procurement procedures which have been developed or will be developed which are consistent with such policy.

(b) Procurement information shall be a public record to the extent provided in Wisconsin Statutes, section 19.32(2), and shall be available to the public as provided in such statute.

**Sec. 7-87. County board review of professional service contract procurement process.**

(a) General policy.

1. It is declared to be the policy of Waukesha County to encourage, insofar as it is practical and advantageous to the county, procuring by a competitive process.
2. The county board has a special interest, as part of performing its oversight responsibilities, in reviewing the contract procurement process for professional services prior to commitment with private sector providers since the selection process usually must be based on more subjective criteria in addition to price.
3. To ensure timely execution of services and review of the most significant professional service contracts, professional service contracts with county commitment of funds of one hundred fifty thousand dollars (\$150,000.00) or greater shall be subject to special county board review of the procurement process.

(b) Definitions. As used in this section:

*Professional services* means creative and individual talents requiring special skills or training of a technical, artistic, or experimental nature.

*Request for proposal (RFP)* means the process utilized to evaluate competing proposals on a basis other than price exclusively.

*Professional service contract* means a binding written agreement setting forth terms and conditions of the offer and acceptance between the county and a professional service provider.

*Procurement process* means the method used to evaluate which proposal is most advantageous to the county, taking into consideration price and evaluation factors as set forth in the RFP. The process will contain the following:

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1. Developing adequate specifications and criteria for the RFP.
2. Advertising and soliciting potential proposers.
3. Evaluating proposals in accordance with established criteria by a committee whose members have no personal or financial relationship with the proposer. The evaluation committee shall be comprised of members selected in accordance with county procurement policies and procedures to ensure that integrity and the objectivity of the process is preserved.
4. Selecting the highest rated proposal.

(c) *Review process.*

1. All RFPs which are distributed or available to the public and potential proposers shall be forwarded to the County Board Office for a determination by the appropriate standing committee chair for agendizing it for an information only review.
2. All professional services contracts for county commitment of one hundred fifty thousand dollars (\$150,000.00) or greater prior to commitment shall be referred to the finance committee to make a finding that county procurement policy and the procurement process described above was followed.
3. If the finance committee has not acted on a professional service contract within forty-five (45) days after it was referred to them, then the county executive or his designee may act on the contract without county board approval.