

Item 24-0664: Resolution #6-R-24 establishing an Ordinance for a Responsible Bidder Policy

Common Council

Wed, Jun 05, 2024 7:00PM

Mayor Jake Woodford 1:03:37

All right. Next item 24-0664 resolution 6-R-24 Establishing an ordinance for a responsible bidder policy. We have a motion and a second to approve. For discussion. Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 1:04:02

Thank you, chair. I appreciated the discussion at the Finance Committee in this regard because I came into this thinking this was excess governance, but I do see the importance of this particular ordinance. I still have concerns about whether this might lower the ability of the city to get numerous bids, and we'd come out with non-competitive pricing for a lot of the city shops. So, while I intend to vote in favor of this, I would like for us as a body to remember in the future to start asking the questions of for example, the Director Block's successor and Director Gazza in the future "Do we have an issue with not getting enough bids for things?" So, I guess I would like to put this in place and then see how she goes. Thank you.

Mayor Jake Woodford 1:05:00

Alder Croatt.

Aldersperson Chris Croatt (District 14) 1:05:01

Thank you, Mayor. I'll keep it short. I also had reservations about this until I learned more about it, and we had a really good discussion about it at finance. I'm much more comfortable with it, and would encourage us to pass it. Thanks.

Mayor Jake Woodford 1:05:14

Alder Fenton.

Aldersperson Denise Fenton (District 6) 1:05:15

Thank you, Your Honor. So, it sounds like my colleagues are in favor of this, but I wanted to take just a minute to talk about why I was interested in it in the first place, and why I was grateful that the Attorney's Office and the city staff came to me with this resolution.

Aldersperson Denise Fenton (District 6) 1:05:41

We've always been required by the state of Wisconsin to take the lowest responsible bid for any government project, but the state has been pretty fuzzy about what "responsible" means. So, and I agree with my colleagues, we had a very robust discussion, very edifying discussion in the finance committee meeting. And I cannot quote him directly, but I'm going to quote Attorney Behrens or I'm going to paraphrase Attorney Behrens with the stating that the attorneys and the attorney's office like for everything to basically be written down. And so, in this ordinance, we will define what we consider to be a responsible bidder by stating, you know, that they have to have insurance and that they have to have, you know, certain legal requirements. And we've given the Director of Public Works enough flexibility that if certain contractors that we deal with regularly and have had a good experience with are not able to offer the apprenticeship program, or if it's a or if it's a contract for which an apprenticeship program wouldn't be viable, we've given the Director of Public Works latitude to present or to accept a bid that wouldn't meet that exact requirement.

Aldersperson Denise Fenton (District 6) 1:07:18

So, I think it's really good many—that we are doing this, that we're getting this in all in writing in our ordinances. Many cities have in Wisconsin have done this already. And just I was actually sitting down with a roofing contractor looking at his bid and was moved by the our discussions here to ask him, well, what about your subcontractors? Do you make sure that they have insurance so that someone who's injured in an accident doesn't come after me if they're injured on the job? And of course, that applies to the city as well. And I am aware that the that the city has a much larger umbrella policy than I do. So, I think it's a good thing to dot our i's and cross our t's for this. Thank you.

Mayor Jake Woodford 1:08:09

Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 1:08:11

Thank you, Chair. I just want to thank all their funding for the legwork done on the front end of introducing this resolution and thank my colleagues from the finance committee for looking at this with an open mind. Thank you.

Mayor Jake Woodford 1:08:26

Alder Doran.

Aldersperson Chad Doran (District 15) 1:08:27

Thank you. I guess I'm just looking for a little clarification on the some of the things that were just stated about requiring insurance and things like that. We—I guess, does the city already do that as part of our process for bidding require those sorts of things like insurance, a safety plan, things like that?

Mayor Jake Woodford 1:08:55

Director Gazza.

Director Dean Gazza (Parks, Recreation, and Facilities) 1:09:02

Yeah, thank you. Some of this stuff naturally is redundant of the things that were noted that are commonly required, but when you're looking for safety plans, apprentice programs, making sure there's no debarment, making sure they're financial—they have financial stability, making sure they have, you know, not only they are, as mentioned, safety plans, but you're now noting that it's required not only of you but all your subcontractors. So, what it does, it just adds more definition, I would say to the general requirements that we've been using, and it—they're all things that would only benefit and protect us moving forward. Any of those things, you know, add risk if not provided by those.

Aldersperson Chad Doran (District 15) 1:09:52

As a sort of follow up there, I guess, is there any sort of liability or exposure the city currently has that we would no longer face if this was passed?

Mayor Jake Woodford 1:10:08

Attorney Behrens.

Attorney Christopher Behrens 1:10:14

I'm pausing because I'm not quite sure how to answer that. But what I'll say is that by putting these different requirements into—basically codifying the requirements, if anything, it formalizes the process, and by doing so

may reduce some of liability because it provides for a more formalized, standardized process to follow. But, as all of you know, anytime you ask any—you ask me or any of the other attorneys to opine on liability, it's going to depend on the circumstances. And I can't say with certainty that, that this affords any different level than past practices, but the formalization of it should benefit the city.

Aldersperson Chad Doran (District 15) 1:11:02

And then my, I guess, I think my last question related to the apprenticeship program piece. Rec—does requiring this, or do we think requiring this as part of this this change, is going to do anything other than just increase the amounts that we're going to see for bids? I guess, maybe to say it another way, just to make it clear, you know, are the are our costs going to go up for projects because we have this requirement in there.

Mayor Jake Woodford 1:11:34

Director Gazza.

Director Dean Gazza (Parks, Recreation, and Facilities) 1:11:36

Thank you. You know, it's hard to answer that question in particular. The thing is that, would we want to take a bid from somebody who has an apprentice program that cost more than somebody that doesn't have an apprentice program, that that would cost less? I'll take the person from the apprentice program, especially when we're dealing with public construction in public safety and public health and so forth. At this level, we want that level of expertise that comes with the apprenticeship. So that'd be my personal recommendation. Does a does a company that provides a apprentice program, say generally speaking, cost more than maybe one without? Most likely, but that's what we're asking for. That's what we want delivered. So, you know, we pay what we get, you know, get what we pay, I guess.

Aldersperson Chad Doran (District 15) 1:12:30

Okay, thank you.

Mayor Jake Woodford 1:12:33

Any further discussion? We have a motion and a second to approve Please cast your votes. That motion passes 12 to 1. The item has been approved.