



## Legislation Text

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File #: 110087, Version: 1

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110087

SUBSTITUTE 1

110086

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A substitute charter ordinance relating to the implementation of the recommendations of the city disparity study.

7-14-2-b am

16-05-2-b am

Current charter provisions require that contracts be awarded to the lowest possible bidder in accordance with applicable city ordinances relating to emerging business enterprises. This charter ordinance removes this requirement and adds the requirement that such contracts be awarded in accordance with applicable city ordinances relating to minority, woman and small business enterprises.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 7-14-2-b of the charter is amended to read:

**7-14. Duties when Common Council Orders Public Works.**

**2. COMMISSIONER OF PUBLIC WORKS; CONTRACTS TO LOWEST BIDDER, SURETIES, RELETING.**

b. All contracts awarded under ss. 7-14-2 and 7-22 of the city charter shall be awarded by the commissioner of public works to the lowest responsible bidder determined in accordance with any applicable city ordinances relating to the participation of ~~[[emerging business enterprises,]]~~ >> minority, woman, small business or << local business enterprises >> << or requiring participation of city residents. Following the opening of any bid where the commissioner has considered compliance with such city ordinances, the commissioner shall publish in an official city newspaper his or her determination as to the lowest responsible bidder. Any bidder who objects to the determination based on the consideration of such city ordinances, may appeal the recommendation by filing a written appeal with the commissioner within 5 working days of the date of publication. The appeal shall state the specific objection to the determination, including supporting documentation, and specify an alternative determination. Any appeals that do not conform to this paragraph shall not be considered. The commissioner shall schedule a hearing before the public works contract appeals committee which shall be comprised of the chair of the economic development committee or his or her designee, a member of the economic development committee selected by the chair and the director of administration or his or her designee to be held within 5 days of receipt of the appeal. The public works contract appeals committee shall have the authority by majority vote to affirm or set aside the determination of the commissioner and its decision in this regard shall be final. In the event that a timely appeal meeting the requirements of this paragraph is not filed, or the committee affirms the commissioner's determination following a timely appeal, the commissioner shall make an award

in accordance with his or her determination.

Part 2. Section 16-05-2-b of the code is amended to read:

**16-05. Purchasing.**

**2. CONTRACTS, BIDDING.**

b. All contracts required to be purchased from the lowest responsible bidder under this subsection shall be purchased from the lowest responsible bidder determined in accordance with any applicable city ordinances for participation of ~~[[emerging business enterprises,]]~~ >>minority, woman, small business or<< local business enterprises >><sub>1</sub><< or purchase of American >><sub>1</sub><< made vehicles which are in force.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Mary E. Turk

5/16/11

LRB127678-2

clerical correction -- 2/9/12 -- lp