



**Highway Maintenance Manual**  
**Chapter 07 Roadside Management**  
**Section 05 Herbaceous Vegetation**  
**Subject 20 Herbicide Application Contracts**

**Bureau of Highway Maintenance**  
**July 2015**

### **1.0 Authority**

[s. 66.0407, Wis. Stats.](#) Requires noxious weeds be destroyed.

[s. 84.07\(3\), Wis. Stats.](#) Requires the highway patrolman to destroy noxious weeds on that portion of federal and state highways that (s)he patrols.

[NR 40 Invasive Species Identification, Classification and Control](#) This is the Department of Natural Resources Administrative Code.

### **2.0 General**

The department is required by law to control noxious weeds listed in s. 66.0407 and invasive species listed in the administrative rule NR40. See HMM 07-05-05, Control of Noxious, Invasive and Hazardous Plants. Herbicides are the method of choice for weed control.

Herbicides may be applied by county highway maintenance forces or by a private contractor. County personnel applying herbicides as part of their normal job requirements are considered commercial applicators not for hire and are not required to be certified and licensed unless applying restricted use herbicides. Private contractors must be certified and licensed as a commercial applicator in Category 6.0, Right of Way and natural areas, in order to legally apply herbicides on roadsides.

If herbicides are used, timing of the application may depend on the plant's phenology, i.e. the effectiveness of the herbicide may be determined by what stage of its life cycle the plant is in. Fall treatment of some species may be appropriate. Consult the Bureau of Highway Maintenance (BHM) landscape architects for recommendations.

Experience has shown that, because of weather delays and the requirements of other contracts, private contractors may not begin their contracted work in a timely manner and the target weeds may have already set seed by the time they begin, resulting in poor control. Therefore, care must be taken to make sure herbicide application contracts are written so the application requirements are clearly set forth and all contract provisions are rigorously enforced. Failure to comply should result in penalties being assessed against the contractor (e.g. payments withheld).

Development and implementation of contracts with private vendors should follow one of the following processes. CAUTION: Do not combine these processes (e.g. the region solicits bids or quotes and selects the vendor, then has the county actually enter into the contract with the vendor and administer the contract).

### **3.0 Contracting Through the County Highway Department**

When it is necessary to contract with a private vendor to apply herbicides, it is preferred county highway departments enter into the contract with the vendor utilizing its own procedures to solicit bids or quotes and administer the contract. In addition, some herbicides have soil residual, meaning they remain active in the soil for a period of time after they are applied. This may or may not be desirable, depending on the objective of the application.

### **4.0 Contracting Through the Regional Office**

If it is determined to be in the best interests of the department for regional maintenance personnel to solicit bids and administer the contract, such as may be the case when the contract includes work in multiple counties, the processes and limitations described in Division of Business Management Purchasing Unit Guidelines and Directive TAM 16 of the TAM are to be employed.

## **5.0 Payments**

The cost of all herbicide applications should be charged to Activity Code 044, Control of Unwanted Vegetation. The cost of work performed or contracted by the county should be submitted on the county's Routine Maintenance Agreement monthly invoice. Charge the cost of work contracted through Wisconsin Department of Transportation regional offices to the appropriate project ID number.