



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 432**

February 13, 2014 – Offered by Representatives CLARK and SMITH.

1 **AN ACT to repeal** 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; **to renumber and amend**
2 16.75 (1) (a) 1.; **to amend** 16.75 (1) (b) 1., 16.75 (1) (b) 3., 16.75 (1) (c), 16.75 (2m)
3 (a), 16.75 (2m) (b) 1. and 16.75 (2m) (c); and **to create** 16.75 (1) (a) 1. c. of the
4 statutes; **relating to:** the purchase of food by the Board of Regents of the
5 University of Wisconsin System.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 16.75 (1) (a) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
7 is renumbered 16.75 (1) (a) 1. a. and amended to read:

8 16.75 (1) (a) 1. a. All orders awarded or contracts made by the department for
9 all materials, supplies, equipment, and contractual services to be provided to any
10 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
11 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05

1 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest
2 responsible bidder, ~~taking into consideration~~ to be determined as provided in subd.

3 1. b. and c.

4 b. Except as provided in subd. 1. c., the person who determines the lowest
5 responsible bidder shall consider life cycle cost estimates under sub. (1m), when
6 appropriate, the location of the agency, the quantities of the articles to be supplied,
7 their conformity with the specifications, and the purposes for which they are
8 required and the date of delivery.

9 **SECTION 2.** 16.75 (1) (a) 1. c. of the statutes is created to read:

10 16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin-System
11 is purchasing food and the purchase is subject to par. (b), factors other than price may
12 not comprise more than 50 percent of the total factors used to determine the lowest
13 responsible bidder.

14 **SECTION 3.** 16.75 (1) (b) 1. of the statutes is amended to read:

15 16.75 (1) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
16 exceeds ~~\$25,000~~ \$50,000, the department shall invite bids to be submitted.

17 **SECTION 4.** 16.75 (1) (b) 2. of the statutes is repealed.

18 **SECTION 5.** 16.75 (1) (b) 3. of the statutes is amended to read:

19 16.75 (1) (b) 3. If subd. 1. ~~or 2.~~ requires bids to be solicited, the department
20 either shall solicit sealed bids to be opened publicly at a specified date and time, or
21 shall solicit bidding by auction to be conducted electronically at a specified date and
22 time. Whenever bids are invited, due notice inviting bids shall be published as a class
23 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
24 the department. The bid opening or auction shall occur at least 7 days after the date
25 of the last insertion of the notice or at least 7 days after the date of posting on the

1 Internet. The notice shall specify whether sealed bids are invited or bids will be
2 accepted by auction, and shall give a clear description of the materials, supplies,
3 equipment, or contractual services to be purchased, the amount of any bond, share
4 draft, check, or other draft to be submitted as surety with the bid or prior to the
5 auction, and the date and time that the public opening or the auction will be held.

6 **SECTION 6.** 16.75 (1) (c) of the statutes is amended to read:

7 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$25,000
8 \$50,000 or less, the award may be made in accordance with simplified procedures
9 established by the department for such transactions.

10 **SECTION 7.** 16.75 (2m) (a) of the statutes is amended to read:

11 16.75 (2m) (a) Except as otherwise required by law, if the secretary or his or
12 her designee determines that the use of competitive sealed bidding is not practicable
13 or not advantageous to this state, the department may solicit competitive sealed
14 proposals. Each request for competitive sealed proposals shall state the relative
15 importance of price and other evaluation factors. If the Board of Regents of the
16 University of Wisconsin-System is purchasing food, factors other than price may not
17 comprise more than 50 percent of the total factors used to determine the most
18 competitive sealed proposal.

19 **SECTION 8.** 16.75 (2m) (b) 1. of the statutes is amended to read:

20 16.75 (2m) (b) 1. ~~Except as provided in subd. 2., when~~ When the estimated cost
21 exceeds ~~\$25,000~~ \$50,000, the department may invite competitive sealed proposals.

22 **SECTION 9.** 16.75 (2m) (b) 2. of the statutes is repealed.

23 **SECTION 10.** 16.75 (2m) (c) of the statutes is amended to read:

