



State of Wisconsin
2009 - 2010 LEGISLATURE

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**SENATE AMENDMENT 1,
TO 2009 SENATE BILL 447**

February 10, 2010 – Offered by Senator LASSA.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 7, line 13: delete “and 4.”
- 3 **2.** Page 7, line 14: delete the material beginning with “preparing” and ending
with “accuracy” on line 16 and substitute “that contracts for services under this
section perform periodic audits on cost-benefit analyses or continued
appropriateness reviews and contracts that required a cost-benefit analysis or
continued appropriateness review”.
- 4 **3.** Page 7, line 17: delete lines 17 to 20.
- 5 **4.** Page 7, line 23: delete the material beginning with “services that” and
ending with “does not perform;” on line 24.
- 6 **5.** Page 8, line 7: delete the material beginning with that line and ending with
page 9, line 2, and substitute:
- 7 “**SECTION 7m.** 16.705 (3) (intro.) of the statutes is amended to read:

1 16.705 (3) (intro.) The ~~director of the office of state employment relations~~
2 department, prior to award, under conditions established by rule of the department,
3 shall review contracts for contractual services in order to ensure that agencies.”.

4 **6.** Page 9, line 4: delete the material beginning with “, or any representative”
and ending with “by a solicitation” on line 6 and substitute “or a labor organization
that is certified under subch. V of ch. 111 to be the representative of the appropriate
collective bargaining unit that is aggrieved by a solicitation”.

5 **7.** Page 9, line 8: after “with” insert “, or send an electronic notice of intent to
protest to,”.

6 **8.** Page 9, line 10: after “written” insert “ or send an electronic”.

7 **9.** Page 9, line 23: after that line insert:

8 “(c) Signing bonuses, reimbursements, and per diem costs included in all
9 contracts for contractual services.”.

10 **10.** Page 10, line 1: after “secretary” insert “, using only the information
provided by the agency for which the contractual services are performed,”.

11 **11.** Page 12, line 20: after that line insert:

12 “**SECTION 17g.** 16.75 (1) (b) of the statutes is amended to read:

13 16.75 (1) (b) When the estimated cost exceeds \$25,000, the department shall
14 invite bids to be submitted. The department either shall ~~either~~ solicit sealed bids to
15 be opened publicly at a specified date and time, or shall solicit bidding by auction to
16 be conducted electronically at a specified date and time. Whenever bids are invited,
17 due notice inviting bids shall may be published as a class 2 notice, under ch. 985 ~~or~~,
18 and notice inviting bids, including a copy of all documents soliciting bids, shall be
19 posted on the Internet at a site determined or approved by the department. The bid

1 opening or auction shall occur ~~at least 7 days after the date of the last insertion of~~
2 ~~the notice or~~ at least 7 days after the date of posting on the Internet. The notice under
3 ch. 985, if applicable, and the Internet site shall specify whether sealed bids are
4 invited or bids will be accepted by auction, and shall give a clear description of the
5 materials, supplies, equipment, or contractual services to be purchased, the amount
6 of any bond, share draft, check, or other draft to be submitted as surety with the bid
7 or prior to the auction, and the date and time that the public opening or the auction
8 will be held.

9 **SECTION 17p.** 16.75 (2m) (b) of the statutes is amended to read:

10 16.75 **(2m)** (b) When the estimated cost exceeds \$25,000, the department may
11 invite competitive sealed proposals by publishing a class 2 notice under ch. 985 ~~or by~~
12 ~~posting~~ and shall post notice, including all documents soliciting proposals, on the
13 Internet at a site determined or approved by the department. The notice under ch.
14 985, if applicable, and the notice on the Internet site shall describe the materials,
15 supplies, equipment, or contractual services to be purchased, the intent to make the
16 procurement by solicitation of proposals rather than by solicitation of bids, any
17 requirement for surety, and the date the proposals will be opened, which shall be at
18 ~~least 7 days after the date of the last insertion of the notice or~~ at least 7 days after
19 the date of posting on the Internet.

20 **SECTION 17s.** 16.75 (6) (c) of the statutes is amended to read:

21 16.75 **(6)** (c) If the secretary determines that it is in the best interest of this state
22 to do so, he or she may, with the approval of the governor, waive the requirements
23 of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual
24 services, other than printing and stationery, from a private source other than a
25 source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the

1 purchase is expected to exceed \$25,000, the department shall may first publish a
2 class 2 notice under ch. 985 ~~or~~ and shall post a notice on the Internet at the site
3 determined or approved by the department under sub. (1) (b) describing the
4 materials, supplies, equipment, or contractual services to be purchased, stating the
5 intent to make the purchase from a private source without soliciting bids or
6 competitive sealed proposals and stating the date on which the contract or purchase
7 order will be awarded. The date of the award shall be at least 7 days after the date
8 of the last insertion ~~or~~ the date of posting on the Internet.”.

9 **12.** Page 13, line 3: after that line insert:

10 “**SECTION 18r.** 16.87 (2) of the statutes is renumbered 16.87 (2) (a) and amended
11 to read:

12 16.87 (2) (a) A contract for engineering services or architectural services ~~or a~~
13 to be done for or furnished to the state or a department, board, commission, or officer
14 of the state is exempt from the requirements of s. 16.75.

15 (b) A contract involving an expenditure of \$10,000 or more for construction
16 work, or \$30,000 or more for limited trades work, to be done for or furnished to the
17 state or a department, board, commission, or officer of the state is exempt from the
18 requirements of ss. 16.705 and 16.75.

19 (c) The department shall attempt to ensure that 5% of the total amount
20 expended under this section in each fiscal year is paid to minority businesses, as
21 defined under s. 16.75 (3m) (a).”.

22 **13.** Page 22, line 21: delete “s. ss.” and substitute “s.”.

23 **14.** Page 22, line 21: delete “and 16.771”.

24 **15.** Page 22, line 22: delete “Section” and substitute “Section Sections”.

- 1 **16.** Page 22, line 22: delete “does” and substitute “does, 16.771, 16.871 and
20.932 do”.
- 2 **17.** Page 22, line 24: after “investments” insert “or arising out of the scope of
the board’s investment authority”.
- 3 **18.** Page 23, line 6: delete “~~s. ss.~~” and substitute “s.”.
- 4 **19.** Page 23, line 6: delete “, 16.771, and 16.871”.
- 5 **20.** Page 23, line 8: delete “Section” and substitute “~~Section~~ Sections”.
- 6 **21.** Page 23, line 8: delete “does” and substitute “does, 16.771, 16.871, and
20.932 do”.
- 7 **22.** Page 23, line 10: after “investments” insert “or arising out of the scope of
the board’s investment authority”.
- 8 **23.** Page 23, line 15: delete “~~s. ss.~~” and substitute “s.”.
- 9 **24.** Page 23, line 15: delete “, 16.771, and 16.871”.
- 10 **25.** Page 23, line 18: delete “Section” and substitute “~~Section~~ Sections”.
- 11 **26.** Page 23, line 18: delete “does” and substitute “does, 16.771, 16.871, and
20.932 do”.
- 12 **27.** Page 23, line 19: after “investments” insert “or arising out of the scope of
the board’s investment authority”.
- 13 **28.** Page 24, line 14: delete “16.75,” and substitute “~~16.75~~ 16.7015, 16.71 to
16.751,”.
- 14 **29.** Page 24, line 15: after “ss.” insert “16.42, 16.46,”.
- 15 **30.** Page 24, line 15: after “16.528,” insert “16.705,”.

1 **31.** Page 24, line 23: after that line insert:

2 “**SECTION 26m.** 84.01 (13m) of the statutes is created to read:

3 84.01 (**13m**) CONTRACTUAL ENGAGEMENTS OF SERVICES REPORTING. On or before
4 October 15 of each year, the department shall submit to the governor, the joint
5 committee on finance, the joint legislative audit committee, and the chief clerk of
6 each house of the legislature for distribution to the appropriate standing committees
7 under s. 13.172 (3) a report concerning the number, value, and nature of contractual
8 engagements of services authorized under sub. (13) during the preceding fiscal year.
9 The report shall also include, with respect to contractual engagements of services for
10 the preceding fiscal year, all of the following:

11 (a) A summary of the cost–benefit analyses completed in compliance with rules
12 promulgated by the department.

13 (b) Recommendations for elimination of unneeded contractual engagements of
14 services and for consolidation or resolicitation of existing contractual engagements
15 of services.”.

16 **32.** Page 27, line 12: delete “(13)”.

17 **33.** Page 27, line 12: after “shall” insert “use department employees to”.

18 **34.** Page 27, line 13: delete “highway improvements within its jurisdiction”
and substitute “its highway projects”.

19 **35.** Page 31, line 7: delete “section” and substitute “sections”.

20 **36.** Page 31, line 7: after “16.705” insert “(3) (intro.)”.

21 **37.** Page 31, line 7: after “(5r)” insert “and 16.75 (1) (b), (2m) (b), and (6) (c)”.

22 **38.** Page 31, line 8: delete “(3),”.

