

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1339/P1dn  
RAC:cjs:jf

February 23, 2005

Representative Gottlieb:

Please find attached a preliminary version of the draft to set up competition bargaining under the Municipal Employment Relations Act. I've prepared this as a preliminary version because there are a couple of outstanding issues and I've made a couple of assumptions in putting together the draft that you should review. Once you've had a chance to look over the draft and address these issues, I can prepare the draft for introduction. Please note all of the following:

1. Your instructions indicate that the components for the preliminary cost study will be provided later; hence, I have not included any required components in this version of the draft. You may wish to consider whether the components need to be listed at all. Any list that you would require by law would probably have to be pretty exhaustive and there is always the chance that an important component could be missed. For this reason, you may wish to simply require the employer to prepare the preliminary cost study using the components the employer considers most relevant.
2. In paragraph (c) of your proposal, you ask that "All requests for proposals or bids shall include a statement that the awarding of contract is subject to competition bargaining, and that no bid or proposal may be withdrawn until the competition bargaining process has been completed." I'm wondering if this should be stated by law or if the municipal employer should be allowed to work these requirements into its contract procurement process on its own. For now, the draft does not include this; instead, the municipal employer can build into the request for bids process any such requirements. Please advise.
3. In s. 111.70 (4) (p) 4., I required the municipal employer to use the "lowest responsible bid" to determine the selected external cost. Is this OK? The instructions had called for using the "bid deemed most advantageous to the municipality, taking all factors into account." I'm not sure which is best, but the first one has a focus on costs while the second one only indirectly deals with costs.
4. Is s. 111.70 (4) (p) 7. e. really necessary? After all, the arbitrator can always fashion a proposal by selecting one side's proposal in total.
5. I added the 10 day requirement in s. 111.70 (4) (p) 7. d. and f., so as to force each party to reject a proposal within a certain time; otherwise, the process can be brought to a standstill if neither party accepts or rejects anything.

Once you have had a chance to look over the draft, please contact me and I will prepare the draft for introduction.

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