2005 DRAFTING REQUEST

Bill

Received: **02/15/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Kelley Flury**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Govt - procurement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Procurement of state contractual services from domestic sources

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Instructions:

Per 2005 LRB-2043/1, w/ permission of Glenn Wavrunek, Rep. Pocan's office (E mail attached).

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 02/15/2005	wjackson 02/16/2005		_____ _____			State
/1			rschluet 02/16/2005	_____ _____	lnorthro 02/16/2005	sbasford 02/17/2005	

FE Sent For:

↳ At Intro.

<END>

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/? /1	jkuesel 2/15	/1 wlj 2/16					

FE Sent For:

<END>

Kuesel, Jeffery

To: Flury, Kelley
Subject: RE: American Jobs Act

Kelley,

I will enter this draft for you.

Jeff Kuesel

-----Original Message-----
From: Flury, Kelley
Sent: Monday, February 14, 2005 1:23 PM
To: Kuesel, Jeffery
Subject: FW: American Jobs Act

Jeffery, will you please draft a companion bill to Rep. Pocan's LRB 2043/1 for Sen. Judy Robson.

Kelley Flury
Office of Sen. Robson

-----Original Message-----
From: Wavrunek, Glenn
Sent: Monday, February 14, 2005 12:56 PM
To: Flury, Kelley
Subject: American Jobs Act

Kelley -

Jeffery Kuesel is the LRB attorney for the bill ... also, the 2005 version is attached.

-glenn

<< File: 05-20431.pdf >>

-2125/1

2005 – 2006 LEGISLATURE

LRB-~~2043/1~~
JTK:wlj:jf

2005 BILL

Other

Regen

1 AN ACT ***to amend*** 16.705 (1), 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and ***to***
2 ***create*** 16.705 (1r) of the statutes; **relating to:** state procurement of
3 contractual services.

Analysis by the Legislative Reference Bureau

Currently, state executive branch agencies may contract for services that can be performed more economically or efficiently by contract than by state employees. With numerous exceptions, any services must be obtained from the lowest responsible bidder or the person submitting the most advantageous competitive sealed proposal. Services may be obtained from domestic or foreign sources.

With certain exceptions, this bill requires all contractual services purchased by state executive branch agencies to be performed within the United States. This requirement does not apply if the contractual services cannot be obtained within the United States.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 16.705 (1) of the statutes is amended to read:

16.705 **(1)** ~~The~~ Except as provided in subs. (1m) and (1r), the department or its agents may contract for services which can be performed more economically or efficiently by such contract.

SECTION 2. 16.705 (1r) of the statutes is created to read:

16.705 (1r) (a) Notwithstanding s. 16.75 (2m) and (3m), and except as provided in par. (b) and s. 16.75 (2) (b) and (7), the department and its agents may purchase contractual services only if those services are performed within the United States.

(b) Paragraph (a) does not apply to contractual services that are not available to be performed within the United States.

SECTION 3. 16.75 (1) (a) 1. of the statutes is amended to read:

16.75 **(1)** (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 4. 16.75 (6) (bm) and (e) of the statutes are amended to read:

16.75 **(6)** (bm) If the secretary determines that it is in the best interest of this state to do so, he or she may waive any requirement under subs. (1) to (5) and ss. 16.705 (1), (1m), and (2) to (8) and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by the department of workforce development under s. 49.143,

if the department of workforce development presents the secretary with a process for the procurement of contracts under s. 49.143 and the secretary approves the process.

(e) The governor or his or her designee may waive any requirement of this subchapter, except s. 16.705 (1r), if the governor or his or her designee finds that there exists an emergency which threatens the public health, safety or welfare and the waiver is necessary to meet the emergency. The governor or his or her designee shall require the award of each contract under this paragraph to be made with such competition as is practicable under the circumstances. The governor or his or her designee shall file with the department a statement of facts constituting the emergency for each waiver issued under this paragraph, and a statement of the basis for selection of each contractor under the emergency procedure. This paragraph does not apply to the requirement specified in sub. (7).

SECTION 5. Initial applicability.

(1) This act first applies with respect to bids or competitive sealed proposals for contractual services solicited on the effective date of this subsection.

(END)

Basford, Sarah

From: Flury, Kelley
Sent: Thursday, February 17, 2005 8:34 AM
To: LRB.Legal
Subject: Draft review: LRB 05-2125/1 Topic: Procurement of state contractual services from domestic sources

It has been requested by <Flury, Kelley> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-2125/1 Topic: Procurement of state contractual services from domestic sources