

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/25/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **her**

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.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Agencies may order from lowest-cost provider

---

**Instructions:**

An agency that awards a procurement contract for continuing purchases may purchase from another provider if that provider offers to supply the materials, supplies, equipment or contractual services at a lower cost than is available from the contractual provider.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 10/27/2005	csicilia 10/27/2005		_____			
/1			rschluet 10/27/2005	_____	sbasford 10/27/2005		
/2	jkuesel 10/28/2005	csicilia 10/28/2005	jfrantze 10/28/2005	_____	lnorthro 10/28/2005		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	jkuesel 10/31/2005	csicilia 10/31/2005	chaugen 10/31/2005	_____	sbasford 10/31/2005		
/4	jkuesel 11/07/2005	csicilia 11/07/2005	jfrantze 11/07/2005	_____	mbarman 11/07/2005	sbasford 02/15/2006	

FE Sent For:

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*Jo Bell*  
11/7

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/3      jkuesel      csicilia      chaugen      \_\_\_\_\_      sbasford  
10/31/2005      10/31/2005      10/31/2005      \_\_\_\_\_      10/31/2005

14  
jkuesel  
11/7/05

FE Sent For:

14 cjs 11/7  
05

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/3	jkuesel 10/31/05	1/3 cjs 10/31/05	_____	_____	_____		

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NOTE

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FE Sent For:

Handwritten signatures and dates: 10/28, 10/28

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**Topic:**

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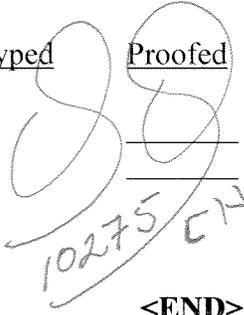
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1/2/1	jkuesel 10/25/05	1 ajs	10/27 03				

FE Sent For:

10275 EN

<END>

2005

Date (time) needed

THU 10/27 - 4pm

LRB - 3919, 1

BILL

JTK : cjs :

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:** *state procurement from lowest-cost vendors*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

~~XXXXXXXXXX~~

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

attached

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

SECTION #.

attached

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3919/1ins2

JTK...y:...

*JTK*  
*ejs*

*This*

Currently, subject to numerous exceptions, state agencies in the executive branch are required to purchase materials, supplies, equipment or contractual services by bid provided by public notice. Contracts are required to be awarded to the lowest responsible bidder. *This* bill provides that whenever an executive branch agency awards a contract by bid for the procurement of materials, supplies, equipment, or contractual services on a continuing basis, and a vendor other than the vendor to whom the contract is awarded subsequently offers to provide the materials, supplies, equipment, or contractual services at a lower cost than is provided for under the contract, the agency may procure the materials, supplies, equipment or contractual services from the alternative vendor instead of from the contractual vendor.

**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3919/lins  
JTK.....

**SECTION 1.** 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. (1s), (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 287.15 (7), and 301.265, 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.

**History:** 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25.

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

16.75 (1s) If the department or a designated agent under s. 16.71 (1) awards a contract by bid for the purchase of materials, supplies, equipment or contractual services on a continuing basis, and a vendor other than the vendor to whom the contract is awarded subsequently offers to provide the materials, supplies, equipment or contractual services at a lower cost than is provided for under the contract, the department or agent may purchase the materials, supplies, equipment or contractual services from the alternative vendor. Whenever the department or its agent awards a contract by bid under this subchapter, the department or agent shall ensure that the contract is awarded subject to the contingency provided in this subsection. ✓

**SECTION 3. Initial applicability.**

(1) This act first applies with respect to contracts awarded on the effective date of this subsection. ✓

(End)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-3919/2

JTK:cjs:rs

DN072  
FRI 10/28 - 2 PM

stays

2005 BILL

Re Gen cat

1 AN ACT *to amend* 16.75 (1) (a) 1.; and *to create* 16.75 (1s) of the statutes;  
2 relating to: state procurement from lowest-cost vendors.

*Analysis by the Legislative Reference Bureau*

Currently, subject to numerous exceptions, state agencies in the executive branch are required to purchase materials, supplies, equipment or contractual services by bid ~~provided~~ by public notice. Contracts are required to be awarded to the lowest responsible bidder. This bill provides that whenever an executive branch agency awards a contract by bid for the procurement of materials, supplies, equipment, or contractual services on a continuing basis, and a vendor other than the vendor to whom the contract is awarded subsequently offers to provide the materials, supplies, equipment, or contractual services at a lower cost than is provided for under the contract, the agency may procure the materials, supplies, equipment or contractual services from the alternative vendor instead of from the contractual vendor.

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

3 SECTION 1. 16.75 (1) (a) 1. of the statutes is amended to read:  
4 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
5 materials, supplies, equipment, and contractual services to be provided to any

gas affected by 2005 Wisconsin Act 25

**BILL****SECTION 1**

1 agency, except as otherwise provided in par. (c) and subs. (1s), (2), (2g), (2m), (3m),  
2 (3t), (6), (7), (8), (9), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05  
3 (2m) (a), 287.15 (7), and 301.265, shall be awarded to the lowest responsible bidder,  
4 taking into consideration life cycle cost estimates under sub. (1m), when appropriate,  
5 the location of the agency, the quantities of the articles to be supplied, their  
6 conformity with the specifications, and the purposes for which they are required and  
7 the date of delivery.

8 **SECTION 2.** 16.75 (1s) of the statutes is created to read:

9 16.75 (1s) If the department or a designated agent under s. 16.71 (1) awards  
10 a contract by bid for the purchase of materials, supplies, equipment, or contractual  
11 services on a continuing basis, and a vendor other than the vendor to whom the  
12 contract is awarded subsequently offers to provide the materials, supplies,  
13 equipment, or contractual services at a lower cost than is provided for under the  
14 contract, the department or agent may purchase the materials, supplies, equipment  
15 or contractual services from the alternative vendor. Whenever the department or its  
16 agent awards a contract by bid under this subchapter, the department or agent shall  
17 ensure that the contract is awarded subject to the contingency provided in this  
18 subsection.

19 **SECTION 3. Initial applicability.**

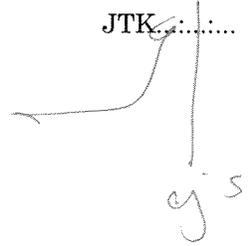
20 (1) This act first applies with respect to contracts awarded on the effective date  
21 of this subsection.

22 (END)

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

LRB-3919/2dn

JTK.....

Handwritten signature and initials. A vertical line descends from the initials 'JTK' with a horizontal line crossing it from the left. Below the vertical line, the initials 'JTS' are written.

Senator Lazich:

I noticed in proofreading my copy that the word "provided" in the first sentence of the analysis should be "preceded". The draft also reflects the text of s. 16.75 (1)(a) 1.5 states as affected by 2005 Wisconsin Act 25.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

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

LRB-3919/2dn  
JTK:cjs:jf

October 28, 2005

Senator Lazich:

I noticed in proofreading my copy that the word "provided" in the first sentence of the analysis should be "preceded." The draft also reflects the text of s. 16.75 (1) (a) 1., stats., as affected by 2005 Wisconsin Act 25.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-3919/2 3  
JTK:cjs:jf  
Stays

Mon 10/31

2005 BILL

1 AN ACT to amend 16.75 (1) (a) 1.; and to create 16.75 (1s) of the statutes;  
2 relating to: state procurement from lowest-cost vendors.

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Currently, subject to numerous exceptions, state agencies in the executive branch are required to purchase materials, supplies, equipment or contractual services by bid preceded by public notice. Contracts are required to be awarded to the lowest responsible bidder. This bill provides that whenever an executive branch agency awards a contract by bid for the procurement of materials, supplies, equipment, or contractual services on a continuing basis, and a vendor other than the vendor to whom the contract is awarded subsequently offers to provide the materials, supplies, equipment, or contractual services at a lower cost than is provided for under the contract, the agency may procure the materials, supplies, equipment or contractual services from the alternative vendor instead of from the contractual vendor.

The bill applies both to new contracts and to contracts for continuing purchases that are in existence on the day the bill becomes law.

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

3 SECTION 1. 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 25,  
4 is amended to read:





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-3919/3 4  
JTK:cjs:ch

Wanted ~~THE~~ TUE 11/8-10AM T

2005 BILL

stays

SAW

Regen cat.

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**Basford, Sarah**

---

**From:** Sieg, Tricia  
**Sent:** Wednesday, February 15, 2006 10:32 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3919/4 Topic: Agencies may order from lowest-cost provider

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

Draft review: LRB 05-3919/4 Topic: Agencies may order from lowest-cost provider