



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 432

**Assembly Substitute
Amendment 2**

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CURRENT LAW

Under current law, in general, a state agency that is purchasing material, supplies, or equipment must invite competitive sealed bids for the furnishing of those items to the agency if the estimated cost of the items is more than \$50,000. If the agency determines that the use of competitive sealed bidding is not practicable or not advantageous to the state, the agency may instead solicit competitive sealed proposals.

An agency must award an order or contract to the lowest responsible bidder or to the most competitive sealed proposal, taking into consideration factors specified in the statutes.

THE BILL

Assembly Bill 432 (the bill) does all of the following:

- Provides that factors other than price may not comprise more than 25% of the total factors used to determine the lowest responsible bidder or most competitive sealed proposal.
- Provides that if a food purchase is subject to the requirement under current law to invite bids or solicit proposals, the Board of Regents (BOR) may purchase the food from a person who submits a bid or proposal that is up to 20% higher than the low bid, if the food is produced within a 100-mile radius of the site to which it will be delivered.
- Provides that the BOR may purchase food without requiring bids or proposals if both of the following apply:

- The food is produced within a 100-mile radius of the site to which the food will be delivered.
- The estimated cost does not exceed \$100,000.

ASSEMBLY SUBSTITUTE AMENDMENT 2

Assembly Substitute Amendment 2 (ASA 2) provides that if the BOR is purchasing food and the purchase is subject to the requirement under current law to invite bids or solicit proposals, factors other than price may not comprise more than 50%, rather than 25%, of the total factors used to determine the lowest responsible bidder or the most competitive sealed proposal.

ASA 2 does not contain any of the other provisions that are contained in the bill.

BILL HISTORY

Representative Clark introduced ASA 2 on February 13, 2014, the Assembly Committee on Colleges and Universities voted to recommend adoption of ASA 2 on a vote of Ayes, 9; Noes, 4; and passage of the bill, as amended, on a vote of Ayes, 8; Noes, 5.

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