



2015 SENATE BILL 207

July 2, 2015 – Introduced by Senators HARRIS DODD, BEWLEY, HANSEN, RINGHAND and ERPENBACH, cosponsored by Representatives WEATHERSTON, BARNES, BERNIER, E. BROOKS, BROSTOFF, JOHNSON, KOLSTE, T. LARSON, PETRYK, SUBECK and ZAMARRIPA. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to amend* 16.855 (13) (a) and 16.855 (13) (b); and *to create* 16.855 (13)
2 (b) 2. b. of the statutes; **relating to:** awards of construction contracts to
3 minority businesses and disabled veteran-owned businesses by the
4 Department of Administration.

Analysis by the Legislative Reference Bureau

One provision in current law permits the Department of Administration (DOA) to award construction contracts to a minority business or a disabled veteran-owned business that submits a bid that is no more than 5 percent higher than the apparent low bid. Another provision requires DOA to identify for a contractor or general prime contractor the mechanical, electrical, or plumbing subcontractors that have submitted the lowest bid and does not take into account the preference DOA may give to a minority business or a disabled veteran-owned business. This bill allows DOA to identify for a contractor or general prime contractor either the lowest bidder or a bidder that is a minority business or a disabled veteran-owned business that is eligible for the preference.

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

5 **SECTION 1.** 16.855 (13) (a) of the statutes is amended to read:

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1 16.855 (13) (a) 1. In any project under this section let under single prime
2 contracting, ~~the department shall identify, as provided under par. (b), the~~
3 ~~mechanical, electrical, or plumbing subcontractors who have submitted the lowest~~
4 ~~bids and who are qualified responsible bidders. A~~ a general prime contractor who
5 is submitting a bid under sub. (14) shall include the subcontractors so identified
6 under par. (b) 2.

7 2. In any project under this section that is let under s. 13.48 (19), the
8 ~~department shall identify, as provided under par. (b), the mechanical, electrical, or~~
9 ~~plumbing subcontractors who have submitted the lowest bids and who are qualified~~
10 ~~responsible bidders. The contractor awarded a contract under s. 13.48 (19) shall~~
11 contract with the mechanical, electrical, or plumbing subcontractors so identified
12 under par. (b) 2.

13 **SECTION 2.** 16.855 (13) (b) of the statutes is amended to read:

14 16.855 (13) (b) 1. For purposes of identifying subcontractors under par. (a), the
15 department shall develop and administer an open and public bidding process and
16 follow the requirements and procedures under sub. (2). Within 48 hours of the
17 deadline for a mechanical, electrical, or plumbing contractor to submit a bid, the
18 department shall post on the department Internet site the names of the bidders and
19 the amount of each bid.

20 2. No more than 5 days after the deadline for the submittal of a bid, the
21 department shall identify, post on its Internet site, and provide public notice of one
22 of the following:

23 a. The lowest bidders who are qualified responsible bidders.

24 3. The department shall post on its Internet site the bids, including the bid
25 documents, identified under ~~this paragraph as the lowest bids~~ subd. 2. and they shall

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1 be open to public inspection under s. 19.35 (1). No other bids under this paragraph
2 may be on the Internet site or open to public inspection.

3 **SECTION 3.** 16.855 (13) (b) 2. b. of the statutes is created to read:

4 16.855 (13) (b) 2. b. Any bidders who are eligible to be awarded a contract under
5 sub. (10m) (am) 3.

6 **SECTION 4. Initial applicability.**

7 (1) This act first applies to bidders who are identified on the effective date of
8 this subsection.

9 (END)