

State of Wisconsin



1995 Senate Bill 285

Date of enactment: **April 18, 1996**

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1995 WISCONSIN ACT 244

AN ACT *to amend* 16.75 (1) (b), 16.75 (1) (c), 16.75 (2m) (b), 16.75 (2m) (c), 16.75 (6) (b) and 16.75 (6) (c); and *to create* 16.75 (11) of the statutes; **relating to:** exemptions from certain state procurement procedures, waiver of state purchasing requirements to permit purchases through contracts established by other governmental entities or certain consortia with 3rd parties, granting rule-making authority and providing an exemption from emergency rule procedures.

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

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

16.75 (1) (b) When the estimated cost exceeds \$10,000 \$25,000, due notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids shall not be opened until at least 7 days from the last day of publication. The official advertisement shall give a clear description of the materials, supplies, equipment or service to be purchased, the amount of the bond, share draft, check or other draft to be submitted as surety with the bid and the date of public opening.

SECTION 2. 16.75 (1) (c) of the statutes is amended to read:

16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$10,000 \$25,000 or less, the award may be made in accordance with simplified procedures established by the department for such transactions.

SECTION 3. 16.75 (2m) (b) of the statutes is amended to read:

16.75 (2m) (b) When the estimated cost exceeds \$10,000 \$25,000, the department shall publish a class 2 notice under ch. 985 inviting competitive sealed propos-

als. The advertisement shall describe the materials, supplies, equipment or service to be purchased, the intent to solicit proposals rather than bids, any requirement for surety and the date the proposals will be opened, which shall be at least 7 days after the date of the last insertion of the notice.

SECTION 4. 16.75 (2m) (c) of the statutes is amended to read:

16.75 (2m) (c) When the estimated cost is \$10,000 \$25,000 or less, the department may award the order or contract in accordance with simplified procedures established by the department for such transactions.

SECTION 5. 16.75 (6) (b) of the statutes is amended to read:

16.75 (6) (b) If the secretary determines that it is in the best interest of this state to do so, he or she may waive the requirements of subs. (1) to (5) and may purchase supplies, materials, equipment or contractual services, other than printing and stationery, from another state, from any county, city, village, town or other governmental body in this state or from a regional or national consortium composed of nonprofit institutions that support governmental or educational services, or through a contract

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

established by one of those entities with one or more 3rd parties.

SECTION 6. 16.75 (6) (c) of the statutes is amended to read:

16.75 (6) (c) If the secretary determines that it is in the best interest of this state to do so, he or she may, with the approval of the governor, waive the requirements of subs. (1) to (5) and may purchase supplies, material, equipment or contractual services, other than printing and stationery, from a private source other than a source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the purchase is expected to exceed ~~\$10,000~~ \$25,000, the department shall publish a class 2 notice under ch. 985 describing the materials, supplies, equipment or contractual services to be purchased, stating the intent to make the purchase from a private source without soliciting bids or competitive sealed proposals and stating the date on which the contract or purchase order will be awarded. The date shall be at least 7 days after the date of the last insertion.

SECTION 6m. 16.75 (11) of the statutes is created to read:

16.75 (11) (a) In this subsection, “consumer price index” means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The department may, by rule, biennially adjust the dollar amounts specified in subs. (1) (b) and (c), (2m) (b) and (c) and (6) (c) by an amount not exceeding the amount determined in accordance with this subsection.

To determine the maximum adjustment, the department shall calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of the most recent odd-numbered year and the consumer price index for the base period, calendar year 1995. The department may adjust the amounts specified under subs. (1) (b) and (c), (2m) (b) and (c) and (6) (c) by an amount not exceeding that amount biennially, rounded to the nearest multiple of \$1,000. If after such rounding the amounts are different than the amounts currently prescribed, the department shall by rule prescribe revised amounts, which amounts shall be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without a finding of emergency.

SECTION 7. Initial applicability.

(1) EXEMPTIONS FROM STATE PROCUREMENT PROCEDURES. The treatment of section 16.75 (1) (b) and (c), (2m) (b) and (c) and (6) (c) of the statutes first applies with respect to orders entered into or contracts awarded on the effective date of this subsection.

(2) COOPERATIVE PURCHASING. The treatment of section 16.75 (6) (b) of the statutes first applies with respect to orders entered into or contracts awarded on the effective date of this subsection.

(3) THRESHOLDS FOR APPLICATION OF STATE PROCUREMENT PROCEDURES. The treatment of section 16.75 (11) of the statutes first applies to adjustment of dollar amounts for the 2-year period beginning on January 1, 1997.