

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

LRB-0347/4dn  
MES:kg:km

April 28, 1999

Please review this draft carefully to ensure that it meets your intent. I based newly created s. 59.52 (29) (d) on the materials that you submitted to me, but I did not include all of the details. For example, I did not require that the design and price proposals be submitted in separate sealed envelopes and that the design proposals be reviewed first. If the selection committee is going to review all of the materials anyway, I didn't understand why this precise process must be specified in the statutes. Also, I'm not sure what some of the terms mean that you wanted included. For example, what is meant by "the proposed management plan for the project" in created s. 59.52 (29) (d) 3.? Is the bonding language in s. 59.52 (29) (e) consistent with your intent?

In s. 59.52 (29) (d) 2., I stated that following the receipt of bids the county shall select "approximately 3 to 5 design-build teams...". Although "approximately" renders the limitation meaningless, I was concerned that if a county (or municipality) received only 2 bids it couldn't proceed to the final stage of the selection process if the statute required the selection of 3 to 5 teams — even if the 2 bids that were received are excellent. Is this OK, or do you really want to require the selection of "3 to 5" finalists?

Finally, please review s. 281.41 (1), which is based on the materials submitted by Barbara Boxer. I'm confused by her use of "may"; I'm not sure why it is necessary to specify the permissive language that she wants added to that statute if an owner is not *required* to provide the information to the department of natural resources (DNR). In other words, if nothing prohibits an owner from providing performance objectives and preliminary plans to DNR if the owner wishes to do so, there is no reason for the requested language to appear in the statute. If the intent of the language is to exempt a design-build project from the requirements contained in the first sentence of s. 281.41 (1), the language does not do that. As drafted, the amendment of s. 281.41 (1) doesn't seem to do anything; if you intend for the language to have some substantive effect, please let me know what your intent is.

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