

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **09/29/1999**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3013**

By/Representing: **Runde**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - sewerage districts**

Extra Copies:

**Pre Topic:**

LFB:.....Runde -

**Topic:**

Design-build construction process for Milwaukee Metropolitan Sewerage District

**Instructions:**

Allow MMSD to use design-build for a specified number of projects. Same as b1717

**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>
/?	shoveme 09/30/1999	gilfokm 09/30/1999		_____			
/1			martykr 10/01/1999	_____	lrb_docadmin 10/01/1999		
/2	shoveme 10/01/1999	gilfokm 10/01/1999	mclark 10/02/1999	_____	lrb_docadmin 10/03/1999		

FE Sent For:

<END>

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/1		12-10-199 king	martykr 10/01/1999	_____	lrb_docadmin 10/01/1999		
	12 MES 10/1/99		MRC	MRC	TAY		
	FE Sent For:		10/2	<END>	10/2		

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1/?	shoveme	1-9-30-99 kmg	Vg m/30	JA km			

11 MES

FE Sent For:

<END>

# State of Wisconsin



GARY R. GEORGE  
SENATOR

*from b1717*

MEMORANDUM

CONFIDENTIAL

TO: Marc E. Shovers,  
Legislative Reference Bureau Drafting Attorney

FROM: Dan Rossmiller *DR*

DATE: August 24, 1999

RE: Drafting Request

If the budget compromise goes according to plan, Senator George would like to authorize the Milwaukee Metropolitan Sewerage District to let public works contracts under the design/build construction process and enumerate certain MMSD projects to be done as demonstration projects. (The attached memo outlines the projects MMSD wishes to undertake utilizing design-build.)

In addition, Representative Hahn (the Assembly author of the design-build provisions) has apparently expressed a desire to authorize the village of Lodi to build a new public safety building using the design-build process. This project would also be done as a demonstration project.

I hope this background information will enable you to more easily complete the drafting that might be necessary should this compromise be worked out.

Thank you for your assistance.

Please feel free to contact me (6-2500) if you have any questions.



from [signature]  
6/7/7

VIA FACSIMILE

June 23, 1999

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Division

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Facsimile Number:  
225-0167

Senator Gary George  
Post Office Box 7882  
Madison, WI 53707-7882

Attention: Dan Rossmiller

Dear Dan:

In response to your request for a list of projects relative to the design/build legislation, we would propose the following:

1. Central Metropolitan Interceptor Sewer Projects
2. Construction projects required to implement the DNR approved 2010 Facility Plan
3. Jones Island and South Shore Wastewater Treatment Plant projects
4. Watercourse Flood Control projects for the following rivers:
  - A. Menomonee River
  - B. Root River
  - C. Kinnickinnic River
  - D. Lincoln Creek

We hope this is responsive to your request. If you have any questions, please do not hesitate to call me at 414-225-2101.

Very truly yours,

[Signature]  
Michael J. McCabe  
Director of Legal Services

**Milwaukee Metropolitan Sewerage District**  
260 W. Seeboth Street, Milwaukee, WI 53204-1446  
P.O. Box 3049, 53201-3049  
414-272-5100  www.mmsd.com



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1873/A  
MES... King

RMNR

LFB:.....Runde - Design-build construction process for Milwaukee  
Metropolitan Sewerage District

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D. Note  
This amendment is identical to  
LRBB 1717.  
mza

1 At the locations indicated, amend the substitute amendment as follows:

2 (END)

**SENATE AMENDMENT  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133**

1 ~~At the locations indicated, amend the substitute amendment as follows:~~

2 **1.** Page 806, line 20: after that line insert:

3 **"SECTION 1641m.** 66.904 (2) (a) of the statutes is amended to read:

4 66.904 (2) (a) Except for a contract awarded under pars. (f) to (j) and except as  
5 provided in par. (b), all work done and all purchases of supplies and materials by the  
6 commission shall be by contract awarded to the lowest responsible bidder complying  
7 with the invitation to bid, if the work or purchase involves an expenditure of \$7,500  
8 \$20,000 or more. If the commission decides to proceed with construction of any sewer  
9 after plans and specifications for the sewer are completed and approved by the  
10 commission and by the department of natural resources under ch. 281, the  
11 commission shall advertise by a class 2 notice under ch. 985 for construction bids.

1 All contracts and the awarding of contracts are subject to s. 66.29, except for a  
2 contract awarded under pars. (f) to (j).

3 **SECTION 1641no.** 66.904 (2) (e) of the statutes is amended to read:

4 66.904 (2) (e) Paragraphs (a) to (d) do not apply to contracts awarded under s.  
5 66.905. Paragraphs (f) to (j) do apply to contracts awarded under s. 66.905.

6 **SECTION 1641q.** 66.904 (2) (f) to (j) of the statutes are created to read:

7 66.904 (2) (f) In this subsection, “design–build construction process” means a  
8 procurement process under which the engineering, design and construction services  
9 are provided by a single entity under a process described under par. (g).

10 (g) If the commission wishes to construct a public work under par. (j) using the  
11 design–build construction process, the commission shall use a selection process that  
12 contains the following procedures:

13 1. The commission shall issue a request for proposals from design–build teams  
14 by publishing a class 1 notice under ch. 985. The notice shall include a project  
15 statement that describes the space needs and design goals for the project, detailed  
16 submission requirements, selection procedures, site information, an outline of  
17 specifications for the project, a budget for the project, a project schedule, the  
18 composition of the selection panel, the approximate amount of the bond that the  
19 commission will require under par. (h) and whether the commission will offer a  
20 stipend to unsuccessful design–build teams and, if so, the amount of the stipend.

21 2. Following receipt of the proposals, the commission shall select 5 or less  
22 design–build teams to participate in the final stage of the selection process. The  
23 selection of teams under this subdivision shall be based on factors that include the  
24 background, experience and qualifications of the members of the teams; the financial  
25 strength and surety capacity of the teams; the quality of the initial proposal; and the

1 past performance and current workload of the teams. The commission selection  
2 panel that selects the teams under this subdivision for the final selection process  
3 under subd. 3. may include design and construction professionals who work for the  
4 commission or are hired by the commission to assist in the selection, commissioners  
5 and representatives from the unit of the commission that will use the facility that is  
6 to be constructed under the selection process described in this paragraph.

7 3. The commission shall make a final selection from among the teams selected  
8 under subd. 2. if the commission determines that at least one of the teams selected  
9 as a finalist under subd. 2. will be able to construct the public work in a way that is  
10 satisfactory to the commission. The final selection shall be made following  
11 interviews and presentations from the finalists, based on criteria that are published  
12 as a class 1 notice under ch. 985. The notice shall state the weight that is given to  
13 each criterion. The criteria to be used in making a final selection under this  
14 subdivision may include the quality of the proposed design, the construction  
15 approach to be used to complete the project, the extent to which a proposal  
16 demonstrates compliance with the project statement described under subd. 1., the  
17 proposed management plan for the project, the estimated cost of the project and a  
18 guaranteed maximum price for the project.

19 (h) If the commission selects a design–build team under par. (g) 3. and enters  
20 into a contract for the construction of the project, the design–build team shall obtain  
21 bonding, in an amount specified by the commission, to guarantee completion of the  
22 project according to the terms of the contract.

23 (i) 1. In this paragraph:

24 a. “Minority business” has the meaning given in s. 560.036 (1) (e).

25 b. “Minority group member” has the meaning given in s. 560.036 (1) (f).

1           c. “Women’s business” means a sole proprietorship, partnership, joint venture  
2 or corporation that is at least 51% owned, controlled and actively managed by  
3 women.

4           2. The commission shall ensure that, for construction work and professional  
5 services contracts that relate to a public work under par. (j) for which the  
6 design–build construction process is used, a person who is awarded such a contract  
7 by the commission shall agree, as a condition to receiving the contract, that his or her  
8 goal shall be to ensure that at least 25% of the employes hired because of the contract  
9 will be minority group members and at least 5% of the employes hired because of the  
10 contract will be women.

11           3. It shall be a goal of the commission to ensure that at least 25% of the  
12 aggregate dollar value of all contracts awarded by the commission in the following  
13 areas shall be awarded to minority businesses and at least 5% of the aggregate dollar  
14 value of all contracts awarded by the commission in the following areas shall be  
15 awarded to women’s businesses:

16           a. Construction contracts that relate to a public work under par. (j) for which  
17 the design–build construction process is used.

18           b. Professional services contracts that relate to a public work under par. (j) for  
19 which the design–build construction process is used.

20           4. It shall be a goal of the commission, with regard to each of the contracts  
21 described under subd. 3. a. and b., to award at least 25% of the dollar value of such  
22 contracts to minority businesses and at least 5% of the dollar value of such contracts  
23 to women’s businesses.

24           5. a. The commission shall hire an independent person to monitor the  
25 commission’s compliance with minority contracting goals under subds. 2., 3. and 4.

1 The person hired shall have previous experience working with minority group  
2 members. The commission shall develop a mechanism to receive regular reports  
3 from the person hired with respect to the results of the person's studies of compliance  
4 with minority contracting goals.

5 b. If the commission or a contractor is unable to meet the goals under subd. 2.,  
6 3. or 4., the person hired under subd. 5. a. shall assess whether the commission or  
7 contractor made a good faith effort to reach the goals. In determining whether a good  
8 faith effort was made to meet the goals, the person hired shall consider all of the  
9 factors listed in subd. 6.

10 6. The factors to be considered under subd. 5. b. are:

11 a. The supply of eligible minority businesses and women's businesses that have  
12 the financial capacity, technical capacity and previous experience in the areas in  
13 which contracts were awarded.

14 b. The competing demands for the services provided by eligible minority  
15 businesses and women's businesses, as described in subd. 6. a., in areas in which  
16 contracts were awarded.

17 c. The extent to which the commission or contractors advertised for and  
18 aggressively solicited bids from eligible minority businesses and women's  
19 businesses, as described in subd. 6. a., and the extent to which eligible minority  
20 businesses and women's businesses submitted bids.

21 (j) Any contract for public construction under sub. (1), for any of the following  
22 projects, may be let using the design-build construction process:

23 1. Central metropolitan interceptor sewer projects.

24 2. Any projects that are required to implement the department of natural  
25 resources-approved 2010 facility plan.



---

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

LRBb1873/1dn  
MES:kmg:km

September 30, 1999

This amendment is identical to LRBb1717.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: Marc.Shovers@legis.state.wi.us

State of Wisconsin



GARY R. GEORGE  
SENATOR

Marc -

Instructions  
from  
Al Runde  
for / 2:  
Include this.

Here's the material from Milwaukee County on the design build demonstration project we'd like to add to the budget bill. Please call me if you have any questions (6-2500).

Don



INTERGOVERNMENTAL RELATIONS  
Office of the County Executive

DATE: 9-27-99

TO: Don

FROM: Roy

RE: \_\_\_\_\_

.....

ADDITIONAL INFORMATION: \_\_\_\_\_

This is the same info I tried to send on Friday

NUMBER OF PAGES INCLUDING FAX TRANSMITTAL COVER LETTER: \_\_\_\_\_

IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF PAGES OR HAVE OTHER RECEPTION PROBLEMS, PLEASE CALL SENDER AT:

OUR FAX NUMBER IS:

Milwaukee  
(414) 223-1392

Madison  
(608) 264-6983

Project/Sub-project <b>W087801</b>	Project Title and Location <b>SHERIFF TRAINING ACADEMY</b>	FORM 6700-1000
Requesting Department or Agency <b>SHERIFF</b>		Functional Group <b>COURTS</b>
Department Priority <b>1</b>	Person Completing Form <b>George Blotz</b>	Date <b>5/24/99</b>

**Capital Project Cost and Reimbursement Revenue By Year**

OK  
8  
6

YEAR	CAPITAL REQUEST	CAPITAL REIMBURSEMENT REVENUE			NET COUNTY COMMITMENT
		FEDERAL	STATE	LOCAL/OTHER	
PRIOR					
1998					
1999					
2000	600,000				600,000
2001	5,400,000				5,400,000
2002					
2003					
SUBSEQUENT					
TOTAL	6,000,000				6,000,000

**Project Cost Breakdown**

PLANNING AND ADMINISTRATION	DPW STAFF/CONSULTANT	PRIOR YEARS PROJECT COST	1999 PROJECT COST	TOTAL PROJECT COST
Project Management	75,000			75,000
DPW Charges				
Basic Planning & Design	600,000			600,000
Construction Management	200,000			200,000
CONSTRUCTION WORK ELEMENTS	DESCRIPTION/UNITS	PRIOR YEARS PROJECT COST	1999 PROJECT COST	TOTAL PROJECT COST
Construction	3,857,500			3,857,500
Equipment & Furnishings	1,267,500			1,267,500
Land				
Capitalized Interest				
Total Project Cost	6,000,000			6,000,000

**Budget Year Financing**

Federal, State and Local Aids	
Non-cash/In-Kind Aids	
Sales and Use Tax Revenue	
Property Tax Revenue	
Miscellaneous Revenue	
G.O. Bonds and Notes	600,000
Revenue Bonds	
Investment Earnings	
PFC Revenue	
Total Budget Year Financing	600,000

Cost Estimates Prepared By	DPW Review By
----------------------------	---------------

Project Useful Life (Years)	
-----------------------------	--

**Project Fiscal Status**

Prior Years Expenditures	
1997 Expenditures	
1998 Expenditures	
Total Expenditures to Date	
Encumbrances	
Available Balance	N/A

**Project Annual Operating Costs**

Net Annual Depreciation	
Change in Operating Costs	
Annual Interest Expense	
Change in Annual Costs	
Change in Annual Revenues	
Change in Property Taxes	

**Project Schedule**

Complete Site Acquisition	
Complete Preliminary Plans	1/1/2000
Complete Final Plans & Specifications	12/31/2000
Begin Construction	1/1/2001
Complete Construction	12/31/2001
Schedule Project Closed	4/1/2002

## 2000 REQUESTED CAPITAL IMPROVEMENTS MILWAUKEE COUNTY

### PROJECT JUSTIFICATION AND DESCRIPTION

#### **WO87801                      Sheriff's Training Academy**

An appropriation of \$6,000,000 is requested for the construction of a Training Academy for the Sheriff's Department. It would be located on the west side of South 68<sup>th</sup> Street directly south of the recently constructed wing of the House of Correction.

The proposed Milwaukee County Sheriff's Department Training Academy will be capable of serving the needs of the Milwaukee County Sheriff's Department, the Milwaukee County House of Correction, other Milwaukee County agencies requiring classroom space, as well as other Metropolitan Milwaukee area law enforcement agencies.

The structure will provide a proper learning atmosphere for all who use it and will be designed for training officers in all aspects of the law enforcement profession, including in-service, recruit, basic jailor, and ongoing specialty training. It will also address many of the shortcomings currently affecting training by:

- It will negate the need to maintain or use three separate training areas, which adds to travel time and equipment wear and tear.
- Enhancing training and preventing disruption when two non-compatible types of training are conducted in adjacent common rooms.
- Increasing accessibility to more diverse training of officers that is not currently available.
- Addressing the inevitable conflicts which arise from sharing a public facility which was not designed for law enforcement training.

### FISCAL CONSIDERATIONS:

Construction of a Training Academy would reduce our reliance on, and rental of, other facilities and increase potential revenue sources. Following is a breakdown of some revenues which are not currently possible:

#### INSTRUCTOR CLASSES

Defense and Arrest Tactics	\$500.00 per student x 15 students	\$7,500.00
Principles of Subject Control	\$500.00 per student x 15 students	7,500.00
Emergency Vehicle Operation	\$250.00 per student x 15 students	3,750.00
Firearms	\$250.00 per student x 15 students	3,750.00
Vehicle Contacts	\$150.00 per student x 15 students	2,250.00
H&K MP-5	\$400.00 per student x 10 students	4,000.00
Sniper Training	\$400.00 per student x 10 students	4,000.00

**INSTRUCTOR CERTIFICATION CLASSES**

Defense and Arrest Tactics	\$25.00 per student x 20 students	500.00
Emergency Vehicle Operation	\$25.00 per student x 20 students	500.00
Vehicle contacts	\$25.00 per student x 20 students	500.00
Firearms	\$25.00 per student x 20 students	<u>500.00</u>

Sub Total - Class Revenues \$34,750.00

**The following category reflects classes currently taught by the Training School:**

Recruit Class	\$1,496.00 per student x 50 students	\$74,800.00
Jailor Class	\$ 420.00 per student x 200 students	84,000.00
Department In-service	\$ 160.00 per student x 620 students	99,200.00
HOC In-service	\$ 160.00 per student x 150 students	<u>24,000.00</u>

Sub Total \$282,000.00

**The following category reflects rentals paid at various facilities. These fees would be eliminated with a new academy and could be used to reduce the tax levy and/or maintenance costs for the new academy:**

Building/Space rental at Kosciuszko Park	\$61,430.00
Range rental at MATC (projected 2000 budget)	29,415.00
Graduation Rental at Zoo (includes hall, refreshments, and stage)	<u>3,100.00</u>

Sub Total \$93,945.00

**TOTALS**

Instructor Classes	\$34,750.00
Current Training	282,000.00
Current Rental Outlay	<u>93,945.00</u>

Total \$410,695.00

**MAINTENANCE EXPENDITURES**

No facility can operate within current maintenance expenditures and the proposed Training Academy is no exception. Structure design will incorporate several built-in maintenance savings and expenditures could be ameliorated via use of House of Correction inmate labor to provide clean up and laundry requirements. Maintenance costs are broken down as follows:

Range maintenance (cleaning/replacing filters)	\$25,000.00
Utilities (heat, electric, telephone, sewer, and water)	25,000.00
Miscellaneous (repairs, cleaning supplies, bathroom supplies, etc.)	<u>15,000.00</u>
Total Maintenance Expenditures	\$65,000.00

The initial cost estimate for a new Training Academy is \$6,000,000.00. Using the annual \$345,695 in net revenues, the payback time (not including debt services) is 17.3 years.

A breakdown of the funding request for the project is as follows:

<u>Construction Element</u>	<u>Total Estimated Cost *</u>
Planning and Design	\$600,000
Construction	<u>\$5,400,000</u>
<b>Total</b>	<b>\$6,000,000</b>

Please see memo by DPW in hard copy that breaks down the project costs.

**DPW Staffing Plan**

DPW Staff will be used for overall project management. Specialized consultants may be used for some components of basic planning, design, and construction management as needed.

**MILWAUKEE COUNTY  
INTER-OFFICE COMMUNICATIONS**

**DATE** : May 6, 1999

**TO** : Sheriff Leverett F. Baldwin

**FROM** : DPW - Architectural & Engineering Services

**SUBJECT** : Cost Estimate to Construct a New Sheriff's Training Facility and Shooting Range at the House of Correction

As per your request the Architectural & Engineering Section has estimated the cost to Construct a new two story building, to be used as a training center and shooting range. Each floor would consist of 27,000 square feet and would be located on the House of Correction grounds. The estimate would also include a parking lot for 125 cars. The estimate is as follows:

a)	Excavation .....	\$ 67,555.
b)	Concrete Footing .....	12,250.
c)	Poured Concrete Foundation Walls .....	71,750.
d)	Backfill.....	7,500.
e)	Concrete Floor, Basement.....	67,500.
f)	Concrete Floor System, First Floor.....	270,000.
g)	Exterior Walls .....	68,400.
h)	Interior Walls .....	125,450.
i)	Flooring.....	81,000.
j)	Ceiling.....	113,000.
k)	Wall coverings .....	50,000.
l)	Roofing System.....	405,000.
m)	Site Utilities .....	50,000.
n)	Electrical System .....	415,800.
o)	Heating, Ventilating & Air Conditioning .....	567,000.
p)	Plumbing.....	303,300.
q)	Furniture Allowance .....	225,000.
r)	Movable Walls/Folding Doors.....	142,500.
s)	Range Tech shoot range including ventilation.....	600,000.
t)	Hogan's Alley Construction .....	300,000.
u)	Special Insulation.....	40,000.
v)	Elevator .....	80,000.
w)	Stairway .....	8,000.
x)	Window.....	25,000.
y)	Special Sloped Floors .....	20,000.
z)	Parking Lot for 125 cars with concrete curbs, storm sewers, and lighting .....	125,000.
aa)	Construction Allowance & Contingencies .....	758,995.

House of Correction - New Sheriff's  
Training Facility & Shooting Range

May. 6, 1999

	<b>Total Construction Costs = \$ 5,000,000.</b>
bb) Project Management.....	75,000
cc) Owners Services .....	50,000.
dd) Planning & Design .....	600,000.
ee) Construction Management .....	200,000.
ff) Disadvantaged Business Development.....	75,000.
	<hr/>
	<b>Total Cost = \$ 6,000,000.</b>

**Special Notes :**

1. The estimate is based on a schematic one-line floor plan provided by your department.
2. The site utility costs are based on two tentative locations on the House of Correction Grounds.
3. The estimate is good for the year 2000 budget only. If it is delayed to a later budget year, inflation increases will have to be added.
4. We recommend Planning & Design the first year and with an updated estimate/ construction the second year.

If you have any questions, or we can be of further service please call our office.

  
 Eriks Krumins  
 County Architect

T. Pritzlaff  
 B. Mascari  
 G. Drent



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb187342  
MES:kmg:km

RMR

LFB:.....Runde - Design-build construction process for Milwaukee  
Metropolitan Sewerage District

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-note

INS  
1-1

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6 66.904 (2) (e) Paragraphs (a) to (d) do not apply to contracts awarded under s.  
7 66.905. Paragraphs (f) to (j) do apply to contracts awarded under s. 66.905.

8 **SECTION 1641q.** 66.904 (2) (f) to (j) of the statutes are created to read:

9 66.904 (2) (f) In this subsection, “design–build construction process” means a  
10 procurement process under which the engineering, design and construction services  
11 are provided by a single entity under a process described under par. (g).

12 (g) If the commission wishes to construct a public work under par. (j) using the  
13 design–build construction process, the commission shall use a selection process that  
14 contains the following procedures:

15 1. The commission shall issue a request for proposals from design–build teams  
16 by publishing a class 1 notice under ch. 985. The notice shall include a project  
17 statement that describes the space needs and design goals for the project, detailed  
18 submission requirements, selection procedures, site information, an outline of  
19 specifications for the project, a budget for the project, a project schedule, the  
20 composition of the selection panel, the approximate amount of the bond that the  
21 commission will require under par. (h) and whether the commission will offer a  
22 stipend to unsuccessful design–build teams and, if so, the amount of the stipend.

23 2. Following receipt of the proposals, the commission shall select 5 or less  
24 design–build teams to participate in the final stage of the selection process. The  
25 selection of teams under this subdivision shall be based on factors that include the

1 background, experience and qualifications of the members of the teams; the financial  
2 strength and surety capacity of the teams; the quality of the initial proposal; and the  
3 past performance and current workload of the teams. The commission selection  
4 panel that selects the teams under this subdivision for the final selection process  
5 under subd. 3. may include design and construction professionals who work for the  
6 commission or are hired by the commission to assist in the selection, commissioners  
7 and representatives from the unit of the commission that will use the facility that is  
8 to be constructed under the selection process described in this paragraph.

9 3. The commission shall make a final selection from among the teams selected  
10 under subd. 2. if the commission determines that at least one of the teams selected  
11 as a finalist under subd. 2. will be able to construct the public work in a way that is  
12 satisfactory to the commission. The final selection shall be made following  
13 interviews and presentations from the finalists, based on criteria that are published  
14 as a class 1 notice under ch. 985. The notice shall state the weight that is given to  
15 each criterion. The criteria to be used in making a final selection under this  
16 subdivision may include the quality of the proposed design, the construction  
17 approach to be used to complete the project, the extent to which a proposal  
18 demonstrates compliance with the project statement described under subd. 1., the  
19 proposed management plan for the project, the estimated cost of the project and a  
20 guaranteed maximum price for the project.

21 (h) If the commission selects a design-build team under par. (g) 3. and enters  
22 into a contract for the construction of the project, the design-build team shall obtain  
23 bonding, in an amount specified by the commission, to guarantee completion of the  
24 project according to the terms of the contract.

25 (i) 1. In this paragraph:

1 a. "Minority business" has the meaning given in s. 560.036 (1) (e).

2 b. "Minority group member" has the meaning given in s. 560.036 (1) (f).

3 c. "Women's business" means a sole proprietorship, partnership, joint venture  
4 or corporation that is at least 51% owned, controlled and actively managed by  
5 women.

6 2. The commission shall ensure that, for construction work and professional  
7 services contracts that relate to a public work under par. (j) for which the  
8 design-build construction process is used, a person who is awarded such a contract  
9 by the commission shall agree, as a condition to receiving the contract, that his or her  
10 goal shall be to ensure that at least 25% of the employes hired because of the contract  
11 will be minority group members and at least 5% of the employes hired because of the  
12 contract will be women.

13 3. It shall be a goal of the commission to ensure that at least 25% of the  
14 aggregate dollar value of all contracts awarded by the commission in the following  
15 areas shall be awarded to minority businesses and at least 5% of the aggregate dollar  
16 value of all contracts awarded by the commission in the following areas shall be  
17 awarded to women's businesses:

18 a. Construction contracts that relate to a public work under par. (j) for which  
19 the design-build construction process is used.

20 b. Professional services contracts that relate to a public work under par. (j) for  
21 which the design-build construction process is used.

22 4. It shall be a goal of the commission, with regard to each of the contracts  
23 described under subd. 3. a. and b., to award at least 25% of the dollar value of such  
24 contracts to minority businesses and at least 5% of the dollar value of such contracts  
25 to women's businesses.

1           5. a. The commission shall hire an independent person to monitor the  
2 commission's compliance with minority contracting goals under subds. 2., 3. and 4.  
3 The person hired shall have previous experience working with minority group  
4 members. The commission shall develop a mechanism to receive regular reports  
5 from the person hired with respect to the results of the person's studies of compliance  
6 with minority contracting goals.

7           b. If the commission or a contractor is unable to meet the goals under subd. 2.,  
8 3. or 4., the person hired under subd. 5. a. shall assess whether the commission or  
9 contractor made a good faith effort to reach the goals. In determining whether a good  
10 faith effort was made to meet the goals, the person hired shall consider all of the  
11 factors listed in subd. 6.

12           6. The factors to be considered under subd. 5. b. are:

13           a. The supply of eligible minority businesses and women's businesses that have  
14 the financial capacity, technical capacity and previous experience in the areas in  
15 which contracts were awarded.

16           b. The competing demands for the services provided by eligible minority  
17 businesses and women's businesses, as described in subd. 6. a., in areas in which  
18 contracts were awarded.

19           c. The extent to which the commission or contractors advertised for and  
20 aggressively solicited bids from eligible minority businesses and women's  
21 businesses, as described in subd. 6. a., and the extent to which eligible minority  
22 businesses and women's businesses submitted bids.

23           (j) Any contract for public construction under sub. (1), for any of the following  
24 projects, may be let using the design-build construction process:

25           1. Central metropolitan interceptor sewer projects.

1           2. Any projects that are required to implement the department of natural  
2 resources—approved 2010 facility plan.

3           ~~3. Jones Island and South Shore Wastewater Treatment Plant projects~~

4           <sup>3</sup>  
4           4. Watercourse flood control projects for any of the following:

5           a. Menomonee River.

6           b. Root River.

7           c. Kinnickinnic River.

8           d. Lincoln Creek.”.

9

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1873/2ins  
MES:kmg:km

INSI-1

1           **1.** Page 763, line 23: after that line insert:

2           “SECTION 1580m. 59.70 (13) of the statutes is created to read:

3           59.70 (13) DESIGN-BUILD CONSTRUCTION PROCESS. Let a contract for the  
4 construction of a sheriff's department training academy, that is located in the county,  
5 using the design-build construction process, as defined in s. 66.904 (2) (f). Section  
6 66.904 (2) (f) to (i), as it applies to a metropolitan sewerage commission acting under  
7 that subsection, applies to the board acting under this subsection.”

0-note

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

b1873/2dy  
LRBb06981dn  
MES:cmh:km  
hmg

June 21, 1999

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". This proposal is applicable only to the ~~Village of Ashwaubenon~~

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: Marc.Shovers@legis.state.wi.us

the Milwaukee

Metropolitan Sewerage Commission and  
Milwaukee County,

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

LRBb1873/2dn  
MES:kmg:mrc

October 2, 1999

This note is meant to alert you that it is possible that a Wisconsin court would find that this legislation is a "private or local bill" that, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this legislation cannot validly be enacted as part of the state budget bill because the budget bill clearly encompasses more than one subject.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. IV, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". This proposal is applicable only to the Milwaukee Metropolitan Sewerage Commission and Milwaukee County.

Because it is difficult to predict the potential for and outcome of any court action on this proposal, should it be enacted as part of the budget, you may wish to consider introducing this proposal as a separate bill.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: Marc.Shovers@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1873/2  
MES:kmg:mrc

LFB:.....Runde - Design-build construction process for Milwaukee  
Metropolitan Sewerage District

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 763, line 23: after that line insert:

3 "SECTION 1580m. 59.79 (13) of the statutes is created to read:

4 59.79 (13) DESIGN-BUILD CONSTRUCTION PROCESS. Let a contract for the  
5 construction of a sheriff's department training academy, that is located in the county,  
6 using the design-build construction process, as defined in s. 66.904 (2) (f). Section  
7 66.904 (2) (f) to (i), as it applies to a metropolitan sewerage commission acting under  
8 that subsection, applies to the board acting under this subsection."

9 **2.** Page 806, line 20: after that line insert:

1           **SECTION 1641m.** 66.904 (2) (a) of the statutes is amended to read:

2           66.904 (2) (a) Except for a contract awarded under pars. (f) to (j) and except as  
3 provided in par. (b), all work done and all purchases of supplies and materials by the  
4 commission shall be by contract awarded to the lowest responsible bidder complying  
5 with the invitation to bid, if the work or purchase involves an expenditure of \$7,500  
6 \$20,000 or more. If the commission decides to proceed with construction of any sewer  
7 after plans and specifications for the sewer are completed and approved by the  
8 commission and by the department of natural resources under ch. 281, the  
9 commission shall advertise by a class 2 notice under ch. 985 for construction bids.  
10 All contracts and the awarding of contracts are subject to s. 66.29, except for a  
11 contract awarded under pars. (f) to (j).

12           **SECTION 1641no.** 66.904 (2) (e) of the statutes is amended to read:

13           66.904 (2) (e) Paragraphs (a) to (d) do not apply to contracts awarded under s.  
14 66.905. Paragraphs (f) to (j) do apply to contracts awarded under s. 66.905.

15           **SECTION 1641q.** 66.904 (2) (f) to (j) of the statutes are created to read:

16           66.904 (2) (f) In this subsection, “design–build construction process” means a  
17 procurement process under which the engineering, design and construction services  
18 are provided by a single entity under a process described under par. (g).

19           (g) If the commission wishes to construct a public work under par. (j) using the  
20 design–build construction process, the commission shall use a selection process that  
21 contains the following procedures:

22           1. The commission shall issue a request for proposals from design–build teams  
23 by publishing a class 1 notice under ch. 985. The notice shall include a project  
24 statement that describes the space needs and design goals for the project, detailed  
25 submission requirements, selection procedures, site information, an outline of

1 specifications for the project, a budget for the project, a project schedule, the  
2 composition of the selection panel, the approximate amount of the bond that the  
3 commission will require under par. (h) and whether the commission will offer a  
4 stipend to unsuccessful design-build teams and, if so, the amount of the stipend.

5 2. Following receipt of the proposals, the commission shall select 5 or less  
6 design-build teams to participate in the final stage of the selection process. The  
7 selection of teams under this subdivision shall be based on factors that include the  
8 background, experience and qualifications of the members of the teams; the financial  
9 strength and surety capacity of the teams; the quality of the initial proposal; and the  
10 past performance and current workload of the teams. The commission selection  
11 panel that selects the teams under this subdivision for the final selection process  
12 under subd. 3. may include design and construction professionals who work for the  
13 commission or are hired by the commission to assist in the selection, commissioners  
14 and representatives from the unit of the commission that will use the facility that is  
15 to be constructed under the selection process described in this paragraph.

16 3. The commission shall make a final selection from among the teams selected  
17 under subd. 2. if the commission determines that at least one of the teams selected  
18 as a finalist under subd. 2. will be able to construct the public work in a way that is  
19 satisfactory to the commission. The final selection shall be made following  
20 interviews and presentations from the finalists, based on criteria that are published  
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23 subdivision may include the quality of the proposed design, the construction  
24 approach to be used to complete the project, the extent to which a proposal  
25 demonstrates compliance with the project statement described under subd. 1., the

1 proposed management plan for the project, the estimated cost of the project and a  
2 guaranteed maximum price for the project.

3 (h) If the commission selects a design–build team under par. (g) 3. and enters  
4 into a contract for the construction of the project, the design–build team shall obtain  
5 bonding, in an amount specified by the commission, to guarantee completion of the  
6 project according to the terms of the contract.

7 (i) 1. In this paragraph:

8 a. “Minority business” has the meaning given in s. 560.036 (1) (e).

9 b. “Minority group member” has the meaning given in s. 560.036 (1) (f).

10 c. “Women’s business” means a sole proprietorship, partnership, joint venture  
11 or corporation that is at least 51% owned, controlled and actively managed by  
12 women.

13 2. The commission shall ensure that, for construction work and professional  
14 services contracts that relate to a public work under par. (j) for which the  
15 design–build construction process is used, a person who is awarded such a contract  
16 by the commission shall agree, as a condition to receiving the contract, that his or her  
17 goal shall be to ensure that at least 25% of the employees hired because of the contract  
18 will be minority group members and at least 5% of the employees hired because of the  
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20 3. It shall be a goal of the commission to ensure that at least 25% of the  
21 aggregate dollar value of all contracts awarded by the commission in the following  
22 areas shall be awarded to minority businesses and at least 5% of the aggregate dollar  
23 value of all contracts awarded by the commission in the following areas shall be  
24 awarded to women’s businesses:

1           a. Construction contracts that relate to a public work under par. (j) for which  
2 the design-build construction process is used.

3           b. Professional services contracts that relate to a public work under par. (j) for  
4 which the design-build construction process is used.

5           4. It shall be a goal of the commission, with regard to each of the contracts  
6 described under subd. 3. a. and b., to award at least 25% of the dollar value of such  
7 contracts to minority businesses and at least 5% of the dollar value of such contracts  
8 to women's businesses.

9           5. a. The commission shall hire an independent person to monitor the  
10 commission's compliance with minority contracting goals under subds. 2., 3. and 4.  
11 The person hired shall have previous experience working with minority group  
12 members. The commission shall develop a mechanism to receive regular reports  
13 from the person hired with respect to the results of the person's studies of compliance  
14 with minority contracting goals.

15           b. If the commission or a contractor is unable to meet the goals under subd. 2.,  
16 3. or 4., the person hired under subd. 5. a. shall assess whether the commission or  
17 contractor made a good faith effort to reach the goals. In determining whether a good  
18 faith effort was made to meet the goals, the person hired shall consider all of the  
19 factors listed in subd. 6.

20           6. The factors to be considered under subd. 5. b. are:

21           a. The supply of eligible minority businesses and women's businesses that have  
22 the financial capacity, technical capacity and previous experience in the areas in  
23 which contracts were awarded.

