

**SENATE AMENDMENT 2,
TO 1999 ASSEMBLY BILL 796**

March 28, 2000 – Offered by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL
RESOURCES AND CAMPAIGN FINANCE REFORM.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 3, line 5: after that line insert:

4 “**SECTION 4m.** 13.48 (29) of the statutes is amended to read:

5 13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m)
6 and (10n), the building commission may prescribe simplified policies and procedures
7 to be used in lieu of the procedures provided in s. 16.855 for any project the estimated
8 construction cost of which does not exceed \$100,000.”.

9 **2.** Page 4, line 24: before that line insert:

10 “**SECTION 10s.** 16.75 (3m) (c) 4. and 5. of the statutes are amended to read:

11 16.75 (3m) (c) 4. The department shall annually prepare and submit a report
12 to the governor and to the chief clerk of each house of the legislature, for distribution
13 to the appropriate standing committees under s. 13.172 (3), on the total amount of

1 money paid to and of indebtedness or other obligations underwritten by minority
2 businesses, minority financial advisers and minority investment firms under the
3 requirements of this subsection and ss. 16.855 (10m) and (10n), 16.87 (2), 25.185,
4 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance
5 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185 and 84.075 (1).

6 5. In determining whether a purchase, contract or subcontract complies with
7 the goal established under par. (b) or s. 16.855 (10m) and (10n), 16.87 (2) or 25.185
8 the department shall include only amounts paid to minority businesses, minority
9 financial advisers and minority investment firms certified by the department of
10 commerce under s. 560.036 (2).”.

11 **3.** Page 5, line 24: after that line insert:

12 “**SECTION 13d.** 16.855 (10m) (a) and (c) of the statutes are amended to read:

13 16.855 (**10m**) (a) ~~In~~ Except as provided in sub. (10n), in awarding construction
14 contracts the department shall attempt to ensure that 5% of the total amount
15 expended in each fiscal year is awarded to contractors and subcontractors which are
16 minority businesses, as defined under s. 16.75 (3m) (a). The department may award
17 any contract to a minority business that submits a qualified responsible bid that is
18 no more than 5% higher than the apparent low bid.

19 (c) The department shall maintain and annually publish data on contracts
20 awarded to minority businesses under this subsection and sub. (10n) and ss. 16.87
21 and 84.075.

22 **SECTION 13h.** 16.855 (10n) of the statutes is created to read:

23 16.855 (**10n**) (a) In this subsection:

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

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

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

5 (b) The department shall enter into a memorandum of understanding with the
6 state fair park board which shall specify procedures for construction work and
7 professional services contracts to be performed for the state fair park board under
8 which any person who is awarded such a contract shall agree, as a condition to
9 receiving the contract, that his or her goal shall be to ensure that at least 25% of the
10 employes hired because of the contract will be minority group members and at least
11 5% of the employes hired because of the contract will be women.

12 (c) It shall be a goal of the department, in coordination with the state fair park
13 board, to ensure that at least 25% of the aggregate dollar value of contracts awarded
14 by the department in the following areas shall be awarded to minority businesses
15 and at least 5% of the aggregate dollar value of contracts awarded by the department
16 in the following areas shall be awarded to women’s businesses:

17 1. Contracts for the construction of state fair park facilities.

18 2. Contracts for professional services related to the construction of state fair
19 park facilities.

20 3. Contracts for the development of state fair park facilities.

21 (d) It shall be a goal of the department, in coordination with the state fair park
22 board, with regard to each of the contracts described under par. (c) 1. to 3., to award
23 at least 25% of the dollar value of such contracts to minority businesses and at least
24 5% of the dollar value of such contracts to women’s businesses.

1 (e) 1. Pursuant to the memorandum of understanding under par. (b), the
2 department shall hire an independent person to monitor the compliance of the
3 department and state fair park board with minority contracting goals under pars. (b)
4 to (d). The person hired shall have previous experience working with minority group
5 members. The memorandum of understanding shall include a mechanism for
6 receiving regular reports from the person hired with respect to the results of the
7 person's studies of compliance with minority contracting goals.

8 2. If the department or a contractor is unable to meet the goals under par. (b),
9 (c) or (d), the person hired under subd. 1. shall assess whether the department or
10 contractor made a good faith effort to reach the goals. In determining whether a good
11 faith effort was made to meet the goals, the person hired shall consider all of the
12 following:

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. 2. a., in areas in which
18 contracts were awarded.

19 c. The extent to which the department or contractor advertised for and
20 aggressively solicited bids from eligible minority businesses and women's
21 businesses, as described in subd. 2. a., and the extent to which eligible minority
22 businesses and women's businesses submitted bids.

23 **SECTION 13p.** 16.855 (22) of the statutes is amended to read:

24 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (10n),
25 do not apply to construction work for any project the estimated construction cost of

1 which does not exceed \$100,000 if the project is constructed in accordance with
2 policies and procedures prescribed by the building commission under s. 13.48 (29).
3 If the estimated construction cost of any project is at least \$30,000, and the building
4 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct
5 the project, the department shall provide adequate public notice of the project and
6 the procedures to be utilized to construct the project on a publicly accessible
7 computer site.

8 **SECTION 13t.** 16.87 (2) of the statutes is amended to read:

9 16.87 (2) A contract for engineering services or architectural services or a
10 contract involving an expenditure of \$2,500 or more for construction work, or \$20,000
11 or more for limited trades work, to be done for or furnished to the state or a
12 department, board, commission or officer of the state is exempt from the
13 requirements of ss. 16.705 and 16.75. The Except as provided in s. 16.855 (10n), the
14 department shall attempt to ensure that 5% of the total amount expended under this
15 section for these purposes in each fiscal year is paid to minority businesses, as
16 defined under s. 16.75 (3m) (a).”.

17 **4.** Page 7, line 17: after “(3)” insert “(a)”.

18 **5.** Page 7, line 19: after that line insert:

19 “(b) The board shall develop policies encouraging each private person entering
20 into an agreement with the board under this subsection to agree that his or her goal
21 shall be to ensure that at least 25% of the employes hired to perform construction
22 work in connection with state fair park facilities or to perform professional services
23 in connection with the construction or development of those facilities will be minority
24 group members, as defined in s. 560.036 (1) (f), and that at least 5% of the employes

1 hired to perform construction work in connection with state fair park facilities or to
2 perform professional services in connection with the construction or development of
3 those facilities will be women.

4 (c) It shall be a goal of the board to ensure that at least 25% of the aggregate
5 dollar value of contracts awarded by private persons entering into agreements with
6 the board under this subsection in the following areas shall be awarded to minority
7 businesses, as defined in s. 560.036 (1) (e), and at least 5% of the aggregate dollar
8 value of contracts awarded by private persons entering into agreements with the
9 board under this subsection in the following areas shall be awarded to women's
10 businesses, as defined in s. 16.855 (10n) (a):

11 1. Contracts for the construction of state fair park facilities.

12 2. Contracts for professional services related to the construction of state fair
13 park facilities.

14 3. Contracts for the development of state fair park facilities.

15 (d) It shall be a goal of the board, with regard to each of the contracts described
16 under par. (c) 1. to 3., to ensure that at least 25% of the dollar value of such contracts
17 are awarded by private persons entering into agreements with the board under this
18 subsection to minority businesses, as defined in s. 560.036 (1) (e), and at least 5% of
19 the dollar value of such contracts are awarded by private persons entering into
20 agreements with the board under this subsection to women's businesses, as defined
21 in s. 16.855 (10n) (a).”.

22 **6.** Page 7, line 24: delete “The” and substitute “**(1)** Except as provided in sub.
23 (2), the”.

24 **7.** Page 8, line 2: after that line insert:

1 “(2) The state fair park board shall enter into a memorandum of understanding
2 with the department of administration with respect to oversight of the contracting
3 procedures under s. 16.855 (10n).”.

4 **8.** Page 8, line 7: after that line insert:

5 “**SECTION 25g.** 560.036 (2) (a) of the statutes is amended to read:

6 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87
7 (2), 18.16, 18.64, 18.77, 25.185, 42.09 (3), 66.911, 119.495 (2), 231.27 and 234.35, the
8 department shall establish and periodically update a list of certified minority
9 businesses, minority financial advisers and minority investment firms. Any
10 business, financial adviser or investment firm may apply to the department for
11 certification. For purposes of this paragraph, unless the context otherwise requires,
12 a “business” includes a financial adviser or investment firm.

13 **SECTION 25r.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

14 560.036 (2) (d) 1. b. The department determines that, with respect to a specified
15 type of supply, material, equipment or service, there are not enough certified
16 minority business suppliers in this state to enable this state to achieve compliance
17 with ss. 16.75 (3m), 16.855 (10m) and (10n), 16.87 (2) ~~and~~, 25.185 and 42.09 (3).”.

18 **9.** Page 9, line 9: after that line insert:

19 “**SECTION 26m. Initial applicability.**

20 (1q) The treatment of sections 13.48 (29), 16.75 (3m) (c) 4. and 5., 16.855 (10m)
21 (a) and (c), (10n) and (22), 16.87 (2), 42.09 (3) (b) to (d) and 560.036 (2) (a) and (d) 1.
22 b. of the statutes first applies with respect to contracts for which bids or competitive
23 sealed proposals are solicited on the effective date of this subsection.”.

24 **(END)**