

2003 SENATE BILL 555

March 11, 2004 – Introduced by Senators LASSA and HANSEN. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

- 1 **AN ACT to create** 16.705 (2m) and 16.705 (7m) of the statutes; **relating to:**
2 biennial reports concerning state contractual service procurements.

Analysis by the Legislative Reference Bureau

Currently, following the end of each fiscal year, the Department of Administration (DOA) must report to the governor, the Joint Committee on Finance, the Joint Legislative Audit Committee and the appropriate standing committees of the legislature concerning contractual service procurements authorized for each state agency during the preceding fiscal year. If a state agency for whom contractual services were performed under a contractual services contract concludes that the performance of the contractor was unsatisfactory, the agency must file with DOA an evaluation of the contractor's performance within 60 days after fulfillment of the contractor's obligations under the contract. DOA must then review the evaluations and promulgate rules to assure that, to the extent feasible, future contracts are not awarded to contractors whose performance is found to be unsatisfactory.

This bill provides that each state agency that enters into a contract for contractual services to submit to the Joint Legislative Audit Committee a report concerning the contract no later than September 30 following the end of each fiscal biennium during which contractual services were provided to the agency under the contract. If work performed under the contract was formerly provided by state employees, the report must include a statement of the estimated savings accrued to the agency or the increased costs incurred by the agency as a result of contracting for the services. The report must also include an assessment of whether the contractor's performance met, exceeded or failed to achieve performance standards required under the contract.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.705 (2m) of the statutes is created to read:

2 16.705 **(2m)** The department shall assign a contract number to each
3 contractual services agreement entered into by the department or any other agency.

4 **SECTION 2.** 16.705 (7m) of the statutes is created to read:

5 16.705 **(7m)** Each agency that enters into a contract for contractual services
6 shall prepare and submit to the joint legislative audit committee a report concerning
7 the contract no later than September 30 following the end of any fiscal biennium
8 during which contractual services were provided to the agency under the contract.

9 The report shall include:

10 (a) The contract number of the contract, the date that the contract was entered
11 into by the agency and, if work under the contract has been or will be completed by
12 a specific date, the date of completion of the work.

13 (b) A description of the type of work performed under the contract.

14 (c) The name, business address, and business telephone number of each
15 employee of the agency who supervised any work performed under the contract.

16 (d) The name, address, and telephone number of the contractor who enters into
17 the contract with the agency.

18 (e) The name, business address, and business telephone number of each
19 employee of the contractor who supervised any work performed under the contract.

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1 (f) If the work performed under the contract was previously performed by state
2 employees, the estimated cost to the state of such performance at the time the
3 contract was entered into by the agency.

4 (g) The cost of the work performed under the contract to the agency during the
5 preceding fiscal biennium.

6 (h) If par. (f) applies, the amount of any savings accrued to the agency or
7 increased costs incurred by the agency as a result of contracting for the contractual
8 services as compared to the estimated current cost of performance of the same work
9 by state employees, and an explanation of the reasons for those savings or costs.

10 (i) An assessment of whether the contractor's performance met, exceeded, or
11 failed to achieve performance standards required under the contract.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies with respect to contractual service agreements under
14 which work is performed for an agency during the 2003–05 fiscal biennium.

15 (END)