

2003 DRAFTING REQUEST

Bill

Received: 03/10/2004

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Jessica Ford Kelly

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: State Govt - procurement

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Performance reviews for state contracting work

Instructions:

Per attached E mail, 3/9/04.

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>
/?	jkuesel 03/11/2004	kfollett 03/11/2004		_____			State
/1			jfrantze 03/11/2004	_____	sbasford 03/11/2004	lnorthro 03/11/2004	

FE Sent For:

<END>

↳ At
Intro.

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03/11/2004 01:32:01 PM

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FE Sent For:

<END>

Kuesel, Jeffery

From: Hurley, Peggy
Sent: Tuesday, March 09, 2004 3:37 PM
To: Kuesel, Jeffery
Subject: FW: State Contracting

I think this is your area.

Peggy J. Hurley
Legislative Reference Bureau
One East Main Street
Madison, Wisconsin 53701-2037
608 266 8906

-----Original Message-----

From: Kelly, Jessica
Sent: Tuesday, March 09, 2004 3:32 PM
To: Hurley, Peggy
Subject: State Contracting

Senator Lassa would like a proposal drafted to require that every state agency that contracts outside of state employment perform reviews of work that is contracted and submit a biennial review to the Legislative Audit Committee of that work.

The report would have to contain:

The contract number

The names, business addresses, and business telephone numbers of the officials who supervised the contracting effort.

A description of the type of work involved.

The names, business addresses, and business telephone numbers of the workers or agencies that were contracted with.

The cost of State employee performance at the time the work was contracted out (if the work had previously been performed by State employees).

The current cost of contractor performance.

The actual savings and cost increases, expressed both as a dollar amount and as a percentage of the cost of performance by State employees, based on the current cost, and an explanation of the difference, if any.

An assessment of whether the contractor met, exceeded, or failed to achieve the quality control standards.

Those reports would then become public record, and would be reviewed by the Joint Audit Committee to determine if a more comprehensive audit needs to be done. Obviously, the quicker this can be done, the better.

Jessica Ford Kelly
Office of Senator Julie Lassa

State Capitol, 3-South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123 (Madison)
1-800-925-7491 (Toll Free)
608-267-6797 (Facsimile)

2003

Date (time) needed

Wanted by

LRB - 4465, 1

BILL

2 PM THU 3/11

JAE: [signature]

Use the appropriate components and routines developed for bills.

Gen

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to: biennial reports concerning state... contractual service procurements...!

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create -> anal: -> title: -> head

For the subheading, execute: create -> anal: -> title: -> sub

For the sub-subheading, execute: create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create -> anal: -> text



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

SECTION #.



2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4465/lins2
JTK.....

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. X

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. X

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

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4465/lins
JTK.....

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

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

SECTION 2. 16.705 (7m)[✓] of the statutes is created to read:

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

The report shall include:

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

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

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

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

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

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

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

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

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

SECTION 3. Initial applicability.

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

(END)

Northrop, Lori

From: Kelly, Jessica
Sent: Thursday, March 11, 2004 2:39 PM
To: LRB.Legal
Subject: Draft review: LRB 03-4465/1 Topic: Performance reviews for state contracting work

It has been requested by <Kelly, Jessica> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4465/1 Topic: Performance reviews for state contracting work