



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0693/3 4

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Fri 10/14

**2005 BILL**

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1 AN ACT *to amend* 23.41 (5), 25.18 (1) (a), 25.18 (1) (f), 25.18 (1) (m), 84.01 (13),  
2 84.06 (2) (a), 84.06 (3), 84.06 (4), 85.015, 102.81 (2), 221.0903 (4) (b) and 655.27  
3 (2); and *to create* 16.753 of the statutes; **relating to:** posting of information  
4 relating to certain pending state contracts and orders on the Internet.

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***Analysis by the Legislative Reference Bureau***

This bill directs the Department of Administration (DOA), and each executive branch state agency to which DOA delegates purchasing authority, to post on the Internet a list identifying each solicitation for bids or proposals and each proposed order or contract for which bids or proposals will not be solicited involving an expenditure of ~~\$25,000~~ or more, or if a contract or order, is for continuing purchases, an expenditure of ~~\$25,000~~ or more in the current fiscal biennium. The list must contain certain information concerning each solicitation, order, or contract. The information must be posted within 24 hours after the time of the initial solicitation or commencement of negotiations and must remain posted until at least 90 days following the time of award of the contract or placement of the order. Change orders must also be posted. Under the bill, all information required to be posted must be accessible from or by linkage from a single page on the Internet.

\$10,000

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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.** 16.753 of the statutes is created to read:

2           **16.753 Information relating to pending contracts and orders.** (1) In  
3 this section, "major expenditure" means an expenditure of \$25,000<sup>#10,000</sup> or more or, if a  
4 contract or order is for continuing purchases, an expenditure of \$25,000<sup>#10,000</sup> or more in  
5 the current fiscal biennium.

6           (2) The department and its designated agents under s. 16.71 (1) shall post on  
7 the Internet a list identifying each solicitation for bids or competitive sealed  
8 proposals and each proposed order or contract for which bids or competitive sealed  
9 proposals will not be solicited involving a major expenditure, together with all  
10 information required under sub. (3).

11           (3) The information under sub. (2) shall be posted within 24 hours of the time  
12 of initial solicitation or commencement of negotiations, or the time that the  
13 information becomes available, if the information is not available at the time of  
14 solicitation or commencement of negotiations, and shall remain posted until at least  
15 90 days following the time of award of the contract or placement of the order or 90  
16 days following the date of any change order, whichever is later. The department or  
17 its designated agents under s. 16.71 (1) shall also post any change order to a listed  
18 order or contract. If an original order or contract that did not involve a major  
19 expenditure, together with a change order, aggregates to a contract or order  
20 involving a major expenditure, the department or its designated agents under s.

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1 16.71 (1) shall post the information under sub. (1) with respect to that order or  
2 contract.

3 (4) For each solicitation, contract, or order, the posting shall include:

4 (a) A brief description of the purpose of the solicitation, contract, or order.

5 (b) The name of the agency to which the materials, supplies, equipment, or  
6 contractual services are to be provided.

7 (c) A contact person within the agency under par. (b) from whom further  
8 information may be obtained.

9 (d) The date of the solicitation and, if the contract has been entered into or the  
10 order has been placed, the date of that action.

11 (e) A brief description and the date of any change order.

12 (f) The estimated expenditures to be made under the contract or order,  
13 including any changes thereto, or if the contract or order is for continuing purchases  
14 the estimated expenditures to be made under the contract or order in the current  
15 fiscal biennium.

16 (4) All the information posted under this section shall be accessible from or by  
17 linkage from a single page on the Internet.

18 **SECTION 2.** 23.41 (5) of the statutes is amended to read:

19 23.41 (5) Each contract for construction work entered into by the department  
20 under this section shall be awarded on the basis of bids or competitive sealed  
21 proposals in accordance with procedures established by the department. Each  
22 contract for construction work shall be awarded to the lowest responsible bidder or  
23 the person submitting the most advantageous competitive sealed proposal as  
24 determined by the department. If the bid of the lowest responsible bidder or the  
25 proposal of the person submitting the most advantageous competitive sealed

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1 proposal is determined by the department to be in excess of the estimated reasonable  
2 value of the work or not in the public interest, the department may reject all bids or  
3 competitive sealed proposals. Every such contract is exempted from ss. 16.70 to  
4 16.75, 16.755, 16.76, 16.767 to 16.77, 16.78 to 16.82, 16.855, 16.87, and 16.89, but ss.  
5 16.528, 16.753, 16.754, and 16.765 apply to the contract. Every such contract  
6 involving an expenditure of more than \$60,000 is not valid until the contract is  
7 approved by the governor.

8 **SECTION 3.** 25.18 (1) (a) of the statutes is amended to read:

9 25.18 (1) (a) Notwithstanding s. 20.930 and all provisions of subch. IV of ch.  
10 16 and s. 20.930, except s. 16.753, employ special legal or investment counsel in any  
11 matters arising out of the scope of its investment authority. The employment of  
12 special legal counsel shall be with the advice and consent of the attorney general  
13 whenever such special counsel is to be compensated by the board. Any expense of  
14 counsel so employed shall be borne by the fund for which the services shall be  
15 furnished.

16 **SECTION 4.** 25.18 (1) (f) of the statutes is amended to read:

17 25.18 (1) (f) Maintain and repair any building or other structure or premises  
18 which it owns in fee or in which it owns the beneficial interest and, notwithstanding  
19 all provisions of subch. IV or V of ch. 16, except s. 16.753, it shall have exclusive  
20 authority to make such agreements and enter into such contracts as it deems  
21 necessary for such purpose. All noncapital costs under this paragraph shall be  
22 charged to the current income accounts of the funds having an interest in the  
23 building, structure or premises.

24 **SECTION 5.** 25.18 (1) (m) of the statutes is amended to read:

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1           25.18 (1) (m) Notwithstanding all provisions of subchs. IV and V of ch. 16,  
2           except s. 16.753, employ professionals, contractors or other agents necessary to  
3           evaluate or operate any property if a fund managed by the board has an interest in,  
4           or is considering purchasing or lending money based upon the value of, that property.  
5           Costs under this paragraph shall be paid by the fund and charged to the appropriate  
6           account under s. 40.04 (3).

7           **SECTION 6.** 84.01 (13) of the statutes is amended to read:

8           84.01 (13) ENGINEERING SERVICES. The department may engage such  
9           engineering, consulting, surveying, or other specialized services as it deems  
10          advisable. Any engagement of services under this subsection is exempt from ss.  
11          16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and  
12          16.754 apply to such engagement. Any engagement involving an expenditure of  
13          \$3,000 or more shall be by formal contract approved by the governor.

14          **SECTION 7.** 84.06 (2) (a) of the statutes is amended to read:

15          84.06 (2) (a) All such highway improvements shall be executed by contract  
16          based on bids unless the department finds that another method as provided in sub.  
17          (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in  
18          the manner determined by the department. Except as provided in s. 84.075, the  
19          contract shall be awarded to the lowest competent and responsible bidder as  
20          determined by the department. If the bid of the lowest competent bidder is  
21          determined by the department to be in excess of the estimated reasonable value of  
22          the work or not in the public interest, all bids may be rejected. The department shall,  
23          so far as reasonable, follow uniform methods of advertising for bids and may  
24          prescribe and require uniform forms of bids and contracts. Except as provided in par.  
25          (b), the secretary shall enter into the contract on behalf of the state. Every such

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1 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but  
2 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract. Any such contract  
3 involving an expenditure of \$1,000 or more shall not be valid until approved by the  
4 governor. The secretary may require the attorney general to examine any contract  
5 and any bond submitted in connection with the contract and report on its sufficiency  
6 of form and execution. The bond required by s. 779.14 (1m) is exempt from approval  
7 by the governor and shall be subject to approval by the secretary. This subsection  
8 also applies to contracts with private contractors based on bids for maintenance  
9 under s. 84.07.

10 **SECTION 8.** 84.06 (3) of the statutes is amended to read:

11 84.06 (3) CONTRACTS WITH COUNTY OR MUNICIPALITY; DIRECT LABOR; MATERIALS. If  
12 the department finds that it would be more feasible and advantageous to have the  
13 improvement performed by the county in which the proposed improvement is located  
14 and without bids, the department may, by arrangement with the county highway  
15 committee of the county, enter into a contract satisfactory to the department to have  
16 the work done by the county forces and equipment. In such contract the department  
17 may authorize the county to purchase, deliver, and store materials and may fix the  
18 rental rates of small tools and equipment. The contract shall be between the county  
19 and the state and shall not be based on bids, and may be entered into on behalf of the  
20 county by the county highway committee and on behalf of the state by the secretary.  
21 Such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230,  
22 except ~~s.~~ ss. 16.753 and 16.754. If the total estimated indebtedness to be incurred  
23 exceeds \$5,000 the contract shall not be valid until approved by the governor. The  
24 provisions of this subsection relating to agreements between a county and the state  
25 shall also authorize and apply to such arrangements between a city, town, or a village

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1 and the state. In such cases, the governing body of the city, town, or village shall  
2 enter into the agreement on behalf of the municipality.

3 **SECTION 9.** 84.06 (4) of the statutes is amended to read:

4 **84.06 (4) SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES.** If an improvement  
5 undertaken by the department will cross or affect the property or facilities of a  
6 railroad or public utility company, the department may, upon finding that it is  
7 feasible and advantageous to the state, arrange to perform portions of the  
8 improvement work affecting such facilities or property or perform work of altering,  
9 rearranging, or relocating such facilities by contract with the railroad or public  
10 utility. Such contract shall be between the railroad company or public utility and the  
11 state and need not be based on bids. The contract may be entered into on behalf of  
12 the state by the secretary. Every such contract is exempted from s. 779.14 and from  
13 all provisions of chs. 16 and 230, except ss. 16.528, 16.752, 16.753, and 16.754. No  
14 such contract in which the total estimated debt to be incurred exceeds \$5,000 shall  
15 be valid until approved by the governor. As used in this subsection, "public utility"  
16 means the same as in s. 196.01 (5), and includes a telecommunications carrier as  
17 defined in s. 196.01 (8m), and "railroad" means the same as in s. 195.02. "Property"  
18 as used in this subsection includes but is not limited to tracks, trestles, signals, grade  
19 crossings, rights-of-way, stations, pole lines, plants, substations, and other  
20 facilities. Nothing in this subsection shall be construed to relieve any railroad or  
21 public utility from any financial obligation, expense, duty, or responsibility  
22 otherwise provided by law relative to such property.

23 **SECTION 10.** 85.015 of the statutes is amended to read:

24 **85.015 Transportation assistance contracts.** All contracts entered into  
25 under this chapter to provide financial assistance in the areas of railroads, urban

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1 mass transit, specialized transportation, and harbors are subject to ss. 16.528 and,  
2 16.752, and 16.753 but are exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and, 16.85  
3 to 16.87, and 16.875 to 16.89.

4 **SECTION 11.** 102.81 (2) of the statutes is amended to read:

5 102.81 (2) The department may retain an insurance carrier or insurance  
6 service organization to process, investigate and pay claims under this section and  
7 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
8 do business in this state in an amount that the secretary determines is necessary for  
9 the sound operation of the uninsured employers fund. In cases involving disputed  
10 claims, the department may retain an attorney to represent the interests of the  
11 uninsured employers fund and to make appearances on behalf of the uninsured  
12 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and all  
13 provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an attorney hired  
14 under this subsection. The charges for the services retained under this subsection  
15 shall be paid from the appropriation under s. 20.445 (1) (hp). The cost of any  
16 reinsurance obtained under this subsection shall be paid from the appropriation  
17 under s. 20.445 (1) (sm).

18 **SECTION 12.** 221.0903 (4) (b) of the statutes is amended to read:

19 221.0903 (4) (b) *Contracts for examination services.* The division may enter  
20 into contracts with any bank supervisory agency with concurrent jurisdiction over  
21 a state bank or an in-state branch of an out-of-state state bank to engage the  
22 services of the agency's examiners at a reasonable rate of compensation, or to provide  
23 the services of the division's examiners to the agency at a reasonable rate of  
24 compensation. Contracts entered into under this paragraph are exempt from ss.  
25 16.70 to 16.752, 16.754 to 16.76, and 16.767 to 16.82.



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1           **SECTION 13.** 655.27 (2) of the statutes is amended to read:

2           **655.27 (2) FUND ADMINISTRATION AND OPERATION.** Management of the fund shall  
3 be vested with the board of governors. The commissioner shall either provide staff  
4 services necessary for the operation of the fund or, with the approval of the board of  
5 governors, contract for all or part of these services. Such a contract is subject to s.  
6 ss. 16.753 and 16.765, but is otherwise exempt from subch. IV of ch. 16. The  
7 commissioner shall adopt rules governing the procedures for creating and  
8 implementing these contracts before entering into the contracts. At least annually,  
9 the contractor shall report to the commissioner and to the board of governors  
10 regarding all expenses incurred and subcontracting arrangements. If the board of  
11 governors approves, the contractor may hire legal counsel as needed to provide staff  
12 services. The cost of contracting for staff services shall be funded from the  
13 appropriation under s. 20.145 (2) (u).

14           **SECTION 14. Initial applicability.**

15           (1) This act first applies with respect to solicitations made, negotiations for  
16 proposed contracts commenced, and orders placed, whichever first occurs, on the  
17 effective date of this subsection.

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(END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

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2005 BILL

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1 AN ACT to amend 23.41 (5), 25.18 (1) (a), 25.18 (1) (f), 25.18 (1) (m), 84.01 (13),  
2 84.06 (2) (a), 84.06 (3), 84.06 (4), 85.015, 102.81 (2), 221.0903 (4) (b) and 655.27  
3 (2); and to create 16.753 of the statutes; relating to: posting of information  
4 relating to certain pending state contracts and orders on the Internet.

Analysis by the Legislative Reference Bureau

This bill directs ~~every state agency in the executive, legislative, and judicial branches of government~~ the Department of Administration (DOA), and each executive branch state agency to which DOA delegates purchasing authority, to post on the Internet a list identifying each solicitation for bids or proposals and each proposed order or contract for which bids or proposals will not be solicited involving an expenditure of \$10,000 or more, or if a contract or order is for continuing purchases, an expenditure of \$10,000 or more in the current fiscal biennium. The list must contain certain information concerning each solicitation, order, or contract. The information must be posted within 24 hours after the time of the initial solicitation or commencement of negotiations and must remain posted until at least 90 days following the time of award of the contract or placement of the order. Change orders must also be posted. Under the bill, all information required to be posted must be accessible from or by linkage from a single page on the Internet.

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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.** 16.753 of the statutes is created to read:

2           **16.753 Information relating to pending contracts and orders.** (1) In  
3 this section, "major expenditure" means an expenditure of \$10,000 or more or, if a  
4 contract or order is for continuing purchases, an expenditure of \$10,000 or more in  
5 the current fiscal biennium.

6           (2) <sup>Each agency</sup> ~~The department and its designated agents under s. 16.71 (1)~~ shall post on  
7 the Internet a list identifying each solicitation for bids or competitive sealed  
8 proposals and each proposed order or contract <sup>of the agency</sup> for which bids or competitive sealed  
9 proposals will not be solicited <sup>that involves</sup> involving a major expenditure, together with all  
10 information required under sub. <sup>(4)</sup> ~~(3)~~.

11           (3) The information under sub. (2) shall be posted within 24 hours of the time  
12 of initial solicitation or commencement of negotiations, or the time that the  
13 information becomes available, if the information is not available at the time of  
14 solicitation or commencement of negotiations, and shall remain posted until at least  
15 90 days following the time of award of the contract or placement of the order or 90  
16 days following the date of any change order, whichever is later. The <sup>agency</sup> ~~department or~~  
17 ~~its designated agents under s. 16.71 (1)~~ shall also post any change order to a listed  
18 order or contract. If an original order or contract that did not involve a major  
19 expenditure, together with a change order, aggregates to a contract or order  
20 <sup>that involves</sup> involving a major expenditure, <sup>agency</sup> ~~the department or its designated agents under s.~~

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1 16.71 (1) shall post the information under sub. (1) with respect to that order or  
2 contract.

3 (4) For each solicitation, contract, or order, the posting shall include:

4 (a) A brief description of the purpose of the solicitation, contract, or order.

5 (b) The name of the agency to which the materials, supplies, equipment, or  
6 contractual services are to be provided.

7 (c) A contact person within the agency under par. (b) from whom further  
8 information may be obtained.

9 (d) The date of the solicitation and, if the contract has been entered into or the  
10 order has been placed, the date of that action.

11 (e) A brief description and the date of any change order.

12 (f) The estimated expenditures to be made under the contract or order,  
13 including any changes thereto, or if the contract or order is for continuing purchases  
14 the estimated expenditures to be made under the contract or order in the current  
15 fiscal biennium.

16 (4) All the information posted under this section shall be accessible from or by  
17 linkage from a single page on the Internet.

18 **SECTION 2.** 23.41 (5) of the statutes is amended to read:

19 23.41 (5) Each contract for construction work entered into by the department  
20 under this section shall be awarded on the basis of bids or competitive sealed  
21 proposals in accordance with procedures established by the department. Each  
22 contract for construction work shall be awarded to the lowest responsible bidder or  
23 the person submitting the most advantageous competitive sealed proposal as  
24 determined by the department. If the bid of the lowest responsible bidder or the  
25 proposal of the person submitting the most advantageous competitive sealed

**BILL**

1 proposal is determined by the department to be in excess of the estimated reasonable  
2 value of the work or not in the public interest, the department may reject all bids or  
3 competitive sealed proposals. Every such contract is exempted from ss. 16.70 to  
4 16.75, 16.755, 16.76, 16.767 to 16.77, 16.78 to 16.82, 16.855, 16.87, and 16.89, but ss.  
5 16.528, 16.753, 16.754, and 16.765 apply to the contract. Every such contract  
6 involving an expenditure of more than \$60,000 is not valid until the contract is  
7 approved by the governor.

8 **SECTION 3.** 25.18 (1) (a) of the statutes is amended to read:

9 25.18 (1) (a) Notwithstanding s. 20.930 and all provisions of subch. IV of ch.  
10 16 and s. 20.930, except s. 16.753, employ special legal or investment counsel in any  
11 matters arising out of the scope of its investment authority. The employment of  
12 special legal counsel shall be with the advice and consent of the attorney general  
13 whenever such special counsel is to be compensated by the board. Any expense of  
14 counsel so employed shall be borne by the fund for which the services shall be  
15 furnished.

16 **SECTION 4.** 25.18 (1) (f) of the statutes is amended to read:

17 25.18 (1) (f) Maintain and repair any building or other structure or premises  
18 which it owns in fee or in which it owns the beneficial interest and, notwithstanding  
19 all provisions of subch. IV or V of ch. 16, except s. 16.753, it shall have exclusive  
20 authority to make such agreements and enter into such contracts as it deems  
21 necessary for such purpose. All noncapital costs under this paragraph shall be  
22 charged to the current income accounts of the funds having an interest in the  
23 building, structure or premises.

24 **SECTION 5.** 25.18 (1) (m) of the statutes is amended to read:

**BILL**

1           25.18 (1) (m) Notwithstanding all provisions of subchs. IV and V of ch. 16,  
2           except s. 16.753, employ professionals, contractors or other agents necessary to  
3           evaluate or operate any property if a fund managed by the board has an interest in,  
4           or is considering purchasing or lending money based upon the value of, that property.  
5           Costs under this paragraph shall be paid by the fund and charged to the appropriate  
6           account under s. 40.04 (3).

7           **SECTION 6.** 84.01 (13) of the statutes is amended to read:

8           **84.01 (13) ENGINEERING SERVICES.** The department may engage such  
9           engineering, consulting, surveying, or other specialized services as it deems  
10          advisable. Any engagement of services under this subsection is exempt from ss.  
11          16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and  
12          16.754 apply to such engagement. Any engagement involving an expenditure of  
13          \$3,000 or more shall be by formal contract approved by the governor.

14          **SECTION 7.** 84.06 (2) (a) of the statutes is amended to read:

15          **84.06 (2) (a)** All such highway improvements shall be executed by contract  
16          based on bids unless the department finds that another method as provided in sub.  
17          (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in  
18          the manner determined by the department. Except as provided in s. 84.075, the  
19          contract shall be awarded to the lowest competent and responsible bidder as  
20          determined by the department. If the bid of the lowest competent bidder is  
21          determined by the department to be in excess of the estimated reasonable value of  
22          the work or not in the public interest, all bids may be rejected. The department shall,  
23          so far as reasonable, follow uniform methods of advertising for bids and may  
24          prescribe and require uniform forms of bids and contracts. Except as provided in par.  
25          (b), the secretary shall enter into the contract on behalf of the state. Every such

**BILL**

1 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but  
2 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract. Any such contract  
3 involving an expenditure of \$1,000 or more shall not be valid until approved by the  
4 governor. The secretary may require the attorney general to examine any contract  
5 and any bond submitted in connection with the contract and report on its sufficiency  
6 of form and execution. The bond required by s. 779.14 (1m) is exempt from approval  
7 by the governor and shall be subject to approval by the secretary. This subsection  
8 also applies to contracts with private contractors based on bids for maintenance  
9 under s. 84.07.

10 **SECTION 8.** 84.06 (3) of the statutes is amended to read:

11 **84.06 (3) CONTRACTS WITH COUNTY OR MUNICIPALITY; DIRECT LABOR; MATERIALS.** If  
12 the department finds that it would be more feasible and advantageous to have the  
13 improvement performed by the county in which the proposed improvement is located  
14 and without bids, the department may, by arrangement with the county highway  
15 committee of the county, enter into a contract satisfactory to the department to have  
16 the work done by the county forces and equipment. In such contract the department  
17 may authorize the county to purchase, deliver, and store materials and may fix the  
18 rental rates of small tools and equipment. The contract shall be between the county  
19 and the state and shall not be based on bids, and may be entered into on behalf of the  
20 county by the county highway committee and on behalf of the state by the secretary.  
21 Such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230,  
22 except ~~s.~~ ss. 16.753 and 16.754. If the total estimated indebtedness to be incurred  
23 exceeds \$5,000 the contract shall not be valid until approved by the governor. The  
24 provisions of this subsection relating to agreements between a county and the state  
25 shall also authorize and apply to such arrangements between a city, town, or a village

**BILL**

1 and the state. In such cases, the governing body of the city, town, or village shall  
2 enter into the agreement on behalf of the municipality.

3 **SECTION 9.** 84.06 (4) of the statutes is amended to read:

4 84.06 (4) SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES. If an improvement  
5 undertaken by the department will cross or affect the property or facilities of a  
6 railroad or public utility company, the department may, upon finding that it is  
7 feasible and advantageous to the state, arrange to perform portions of the  
8 improvement work affecting such facilities or property or perform work of altering,  
9 rearranging, or relocating such facilities by contract with the railroad or public  
10 utility. Such contract shall be between the railroad company or public utility and the  
11 state and need not be based on bids. The contract may be entered into on behalf of  
12 the state by the secretary. Every such contract is exempted from s. 779.14 and from  
13 all provisions of chs. 16 and 230, except ss. 16.528, 16.752, 16.753, and 16.754. No  
14 such contract in which the total estimated debt to be incurred exceeds \$5,000 shall  
15 be valid until approved by the governor. As used in this subsection, “public utility”  
16 means the same as in s. 196.01 (5), and includes a telecommunications carrier as  
17 defined in s. 196.01 (8m), and “railroad” means the same as in s. 195.02. “Property”  
18 as used in this subsection includes but is not limited to tracks, trestles, signals, grade  
19 crossings, rights-of-way, stations, pole lines, plants, substations, and other  
20 facilities. Nothing in this subsection shall be construed to relieve any railroad or  
21 public utility from any financial obligation, expense, duty, or responsibility  
22 otherwise provided by law relative to such property.

23 **SECTION 10.** 85.015 of the statutes is amended to read:

24 **85.015 Transportation assistance contracts.** All contracts entered into  
25 under this chapter to provide financial assistance in the areas of railroads, urban



**BILL****SECTION 10**

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2 16.752, and 16.753 but are exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and, 16.85  
3 to 16.87, and 16.875 to 16.89.

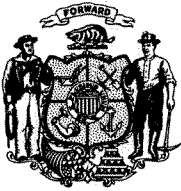
4 **SECTION 11.** 102.81 (2) of the statutes is amended to read:

5 102.81 (2) The department may retain an insurance carrier or insurance  
6 service organization to process, investigate and pay claims under this section and  
7 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
8 do business in this state in an amount that the secretary determines is necessary for  
9 the sound operation of the uninsured employers fund. In cases involving disputed  
10 claims, the department may retain an attorney to represent the interests of the  
11 uninsured employers fund and to make appearances on behalf of the uninsured  
12 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and all  
13 provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an attorney hired  
14 under this subsection. The charges for the services retained under this subsection  
15 shall be paid from the appropriation under s. 20.445 (1) (hp). The cost of any  
16 reinsurance obtained under this subsection shall be paid from the appropriation  
17 under s. 20.445 (1) (sm).

18 **SECTION 12.** 221.0903 (4) (b) of the statutes is amended to read:

19 221.0903 (4) (b) *Contracts for examination services.* The division may enter  
20 into contracts with any bank supervisory agency with concurrent jurisdiction over  
21 a state bank or an in-state branch of an out-of-state state bank to engage the  
22 services of the agency's examiners at a reasonable rate of compensation, or to provide  
23 the services of the division's examiners to the agency at a reasonable rate of  
24 compensation. Contracts entered into under this paragraph are exempt from ss.  
25 16.70 to 16.752, 16.754 to 16.76, and 16.767 to 16.82.





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0693/5 6

JTK:kjf:jt

+WLJ

wanted Tue 10/25 10AM

**2005 BILL**

(regenerate)

1 **AN ACT** *to amend* 23.41 (5), 25.18 (1) (a), 25.18 (1) (f), 25.18 (1) (m), 84.01 (13),  
 2 84.06 (2) (a), 84.06 (3), 84.06 (4), 85.015, 102.81 (2), 221.0903 (4) (b) and 655.27  
 3 (2); and *to create* 16.753 of the statutes; **relating to:** posting of information  
 4 relating to certain pending state contracts and orders on the Internet.

***Analysis by the Legislative Reference Bureau***

This bill directs every state agency in the executive, legislative, and judicial branches of government to post on the Internet a list identifying each solicitation for bids or proposals and each proposed order or contract of the agency for which bids or proposals will not be solicited that involves an expenditure of \$10,000 or more, or if a contract or order is for continuing purchases, an expenditure of \$10,000 or more in the current fiscal biennium. The list must contain certain information concerning each solicitation, order, or contract. The information must be posted within 24 hours after the time of the initial solicitation or commencement of negotiations and must remain posted until at least 90 days following the time of award of the contract or placement of the order. Change orders must also be posted. Under the bill, all information required to be posted must be accessible from or by linkage from a single page on the Internet.

the ethics board must maintain an Internet site which the information that is required to be posted can be accessed and accessed

**BILL**

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

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

1           **SECTION 1.** 16.753 of the statutes is created to read:

2           **16.753 Information relating to pending contracts and orders.** (1) In  
3 this section, "major expenditure" means an expenditure of \$10,000 or more or, if a  
4 contract or order is for continuing purchases, an expenditure of \$10,000 or more in  
5 the current fiscal biennium.

6           (2) Each agency shall <sup>provide to the ethics board for posting</sup> ~~post~~ on the Internet a list identifying each solicitation  
7 for bids or competitive sealed proposals and each proposed order or contract of the  
8 agency for which bids or competitive sealed proposals will not be solicited that  
9 involves a major expenditure, together with all information required under sub. (4).

10           (3) <sup>An agency shall post the</sup> ~~The~~ information under sub. (2) ~~shall be posted~~ within 24 hours of the time  
11 of initial solicitation or commencement of negotiations, or the time that the  
12 information becomes available, if the information is not available at the time of  
13 solicitation or commencement of negotiations, and shall <sup>maintain the posting</sup> ~~remain posted~~ until at least  
14 90 days following the time of award of the contract or placement of the order or 90  
15 days following the date of any change order, whichever is later. The agency shall also  
16 post any change order to a listed order or contract. If an original order or contract  
17 that did not involve a major expenditure, together with a change order, aggregates  
18 to a contract or order that involves a major expenditure, the agency shall post the  
19 information under sub. (1) with respect to that order or contract.

20           (4) For each solicitation, contract, or order, the posting shall include:

21           (a) A brief description of the purpose of the solicitation, contract, or order.

**BILL**

1 (b) The name of the agency to which the materials, supplies, equipment, or  
2 contractual services are to be provided.

3 (c) A contact person within the agency under par. (b) from whom further  
4 information may be obtained.

5 (d) The date of the solicitation and, if the contract has been entered into or the  
6 order has been placed, the date of that action.

7 (e) A brief description and the date of any change order.

8 (f) The estimated expenditures to be made under the contract or order,  
9 including any changes thereto, or if the contract or order is for continuing purchases  
10 the estimated expenditures to be made under the contract or order in the current  
11 fiscal biennium.

12 (5) All the information posted under this section shall be accessible from or by  
13 linkage from a single page on the Internet.

14 **SECTION 2.** 23.41 (5) of the statutes is amended to read:

15 23.41 (5) Each contract for construction work entered into by the department  
16 under this section shall be awarded on the basis of bids or competitive sealed  
17 proposals in accordance with procedures established by the department. Each  
18 contract for construction work shall be awarded to the lowest responsible bidder or  
19 the person submitting the most advantageous competitive sealed proposal as  
20 determined by the department. If the bid of the lowest responsible bidder or the  
21 proposal of the person submitting the most advantageous competitive sealed  
22 proposal is determined by the department to be in excess of the estimated reasonable  
23 value of the work or not in the public interest, the department may reject all bids or  
24 competitive sealed proposals. Every such contract is exempted from ss. 16.70 to  
25 16.75, 16.755, 16.76, 16.767 to 16.77, 16.78 to 16.82, 16.855, 16.87, and 16.89, but ss.

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**BILL**

1 16.528, 16.753, 16.754, and 16.765 apply to the contract. Every such contract  
2 involving an expenditure of more than \$60,000 is not valid until the contract is  
3 approved by the governor.

4 **SECTION 3.** 25.18 (1) (a) of the statutes is amended to read:

5 25.18 (1) (a) Notwithstanding s. 20.930 and all provisions of subch. IV of ch.  
6 16 and s. 20.930, except s. 16.753, employ special legal or investment counsel in any  
7 matters arising out of the scope of its investment authority. The employment of  
8 special legal counsel shall be with the advice and consent of the attorney general  
9 whenever such special counsel is to be compensated by the board. Any expense of  
10 counsel so employed shall be borne by the fund for which the services shall be  
11 furnished.

12 **SECTION 4.** 25.18 (1) (f) of the statutes is amended to read:

13 25.18 (1) (f) Maintain and repair any building or other structure or premises  
14 which it owns in fee or in which it owns the beneficial interest and, notwithstanding  
15 all provisions of subch. IV or V of ch. 16, except s. 16.753, it shall have exclusive  
16 authority to make such agreements and enter into such contracts as it deems  
17 necessary for such purpose. All noncapital costs under this paragraph shall be  
18 charged to the current income accounts of the funds having an interest in the  
19 building, structure or premises.

20 **SECTION 5.** 25.18 (1) (m) of the statutes is amended to read:

21 25.18 (1) (m) Notwithstanding all provisions of subchs. IV and V of ch. 16,  
22 except s. 16.753, employ professionals, contractors or other agents necessary to  
23 evaluate or operate any property if a fund managed by the board has an interest in,  
24 or is considering purchasing or lending money based upon the value of, that property.

**BILL**

1 Costs under this paragraph shall be paid by the fund and charged to the appropriate  
2 account under s. 40.04 (3).

3 **SECTION 6.** 84.01 (13) of the statutes is amended to read:

4 84.01 (13) ENGINEERING SERVICES. The department may engage such  
5 engineering, consulting, surveying, or other specialized services as it deems  
6 advisable. Any engagement of services under this subsection is exempt from ss.  
7 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and  
8 16.754 apply to such engagement. Any engagement involving an expenditure of  
9 \$3,000 or more shall be by formal contract approved by the governor.

10 **SECTION 7.** 84.06 (2) (a) of the statutes is amended to read:

11 84.06 (2) (a) All such highway improvements shall be executed by contract  
12 based on bids unless the department finds that another method as provided in sub.  
13 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in  
14 the manner determined by the department. Except as provided in s. 84.075, the  
15 contract shall be awarded to the lowest competent and responsible bidder as  
16 determined by the department. If the bid of the lowest competent bidder is  
17 determined by the department to be in excess of the estimated reasonable value of  
18 the work or not in the public interest, all bids may be rejected. The department shall,  
19 so far as reasonable, follow uniform methods of advertising for bids and may  
20 prescribe and require uniform forms of bids and contracts. Except as provided in par.  
21 (b), the secretary shall enter into the contract on behalf of the state. Every such  
22 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but  
23 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract. Any such contract  
24 involving an expenditure of \$1,000 or more shall not be valid until approved by the  
25 governor. The secretary may require the attorney general to examine any contract

**BILL**

1 and any bond submitted in connection with the contract and report on its sufficiency  
2 of form and execution. The bond required by s. 779.14 (1m) is exempt from approval  
3 by the governor and shall be subject to approval by the secretary. This subsection  
4 also applies to contracts with private contractors based on bids for maintenance  
5 under s. 84.07.

6 **SECTION 8.** 84.06 (3) of the statutes is amended to read:

7 **84.06 (3) CONTRACTS WITH COUNTY OR MUNICIPALITY; DIRECT LABOR; MATERIALS.** If  
8 the department finds that it would be more feasible and advantageous to have the  
9 improvement performed by the county in which the proposed improvement is located  
10 and without bids, the department may, by arrangement with the county highway  
11 committee of the county, enter into a contract satisfactory to the department to have  
12 the work done by the county forces and equipment. In such contract the department  
13 may authorize the county to purchase, deliver, and store materials and may fix the  
14 rental rates of small tools and equipment. The contract shall be between the county  
15 and the state and shall not be based on bids, and may be entered into on behalf of the  
16 county by the county highway committee and on behalf of the state by the secretary.  
17 Such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230,  
18 except ~~s.~~ ss. 16.753 and 16.754. If the total estimated indebtedness to be incurred  
19 exceeds \$5,000 the contract shall not be valid until approved by the governor. The  
20 provisions of this subsection relating to agreements between a county and the state  
21 shall also authorize and apply to such arrangements between a city, town, or a village  
22 and the state. In such cases, the governing body of the city, town, or village shall  
23 enter into the agreement on behalf of the municipality.

24 **SECTION 9.** 84.06 (4) of the statutes is amended to read:



**BILL**

1           84.06 (4) SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES. If an improvement  
2           undertaken by the department will cross or affect the property or facilities of a  
3           railroad or public utility company, the department may, upon finding that it is  
4           feasible and advantageous to the state, arrange to perform portions of the  
5           improvement work affecting such facilities or property or perform work of altering,  
6           rearranging, or relocating such facilities by contract with the railroad or public  
7           utility. Such contract shall be between the railroad company or public utility and the  
8           state and need not be based on bids. The contract may be entered into on behalf of  
9           the state by the secretary. Every such contract is exempted from s. 779.14 and from  
10          all provisions of chs. 16 and 230, except ss. 16.528, 16.752, 16.753, and 16.754. No  
11          such contract in which the total estimated debt to be incurred exceeds \$5,000 shall  
12          be valid until approved by the governor. As used in this subsection, “public utility”  
13          means the same as in s. 196.01 (5), and includes a telecommunications carrier as  
14          defined in s. 196.01 (8m), and “railroad” means the same as in s. 195.02. “Property”  
15          as used in this subsection includes but is not limited to tracks, trestles, signals, grade  
16          crossings, rights-of-way, stations, pole lines, plants, substations, and other  
17          facilities. Nothing in this subsection shall be construed to relieve any railroad or  
18          public utility from any financial obligation, expense, duty, or responsibility  
19          otherwise provided by law relative to such property.

20           **SECTION 10.** 85.015 of the statutes is amended to read:

21           **85.015 Transportation assistance contracts.** All contracts entered into  
22          under this chapter to provide financial assistance in the areas of railroads, urban  
23          mass transit, specialized transportation, and harbors are subject to ss. 16.528 and,  
24          16.752, and 16.753 but are exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and, 16.85  
25          to 16.87, and 16.875 to 16.89.

**BILL****SECTION 11**

1           **SECTION 11.** 102.81 (2) of the statutes is amended to read:

2           102.81 (2) The department may retain an insurance carrier or insurance  
3 service organization to process, investigate and pay claims under this section and  
4 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to  
5 do business in this state in an amount that the secretary determines is necessary for  
6 the sound operation of the uninsured employers fund. In cases involving disputed  
7 claims, the department may retain an attorney to represent the interests of the  
8 uninsured employers fund and to make appearances on behalf of the uninsured  
9 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and all  
10 provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an attorney hired  
11 under this subsection. The charges for the services retained under this subsection  
12 shall be paid from the appropriation under s. 20.445 (1) (hp). The cost of any  
13 reinsurance obtained under this subsection shall be paid from the appropriation  
14 under s. 20.445 (1) (sm).

15           **SECTION 12.** 221.0903 (4) (b) of the statutes is amended to read:

16           221.0903 (4) (b) *Contracts for examination services.* The division may enter  
17 into contracts with any bank supervisory agency with concurrent jurisdiction over  
18 a state bank or an in-state branch of an out-of-state state bank to engage the  
19 services of the agency's examiners at a reasonable rate of compensation, or to provide  
20 the services of the division's examiners to the agency at a reasonable rate of  
21 compensation. Contracts entered into under this paragraph are exempt from ss.  
22 16.70 to 16.752, 16.754 to 16.76, and 16.767 to 16.82.

23           **SECTION 13.** 655.27 (2) of the statutes is amended to read:

24           655.27 (2) **FUND ADMINISTRATION AND OPERATION.** Management of the fund shall  
25 be vested with the board of governors. The commissioner shall either provide staff

**BILL**

1 services necessary for the operation of the fund or, with the approval of the board of  
2 governors, contract for all or part of these services. Such a contract is subject to s.  
3 ss. 16.753 and 16.765, but is otherwise exempt from subch. IV of ch. 16. The  
4 commissioner shall adopt rules governing the procedures for creating and  
5 implementing these contracts before entering into the contracts. At least annually,  
6 the contractor shall report to the commissioner and to the board of governors  
7 regarding all expenses incurred and subcontracting arrangements. If the board of  
8 governors approves, the contractor may hire legal counsel as needed to provide staff  
9 services. The cost of contracting for staff services shall be funded from the  
10 appropriation under s. 20.145 (2) (u).

**SECTION 14. Initial applicability.**

11  
12 (1) This act first applies with respect to solicitations made, negotiations for  
13 proposed contracts commenced, and orders placed, whichever first occurs, on the  
14 effective date of this subsection.

15 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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\* SECTION ~~1-~~ 19.46<sup>8</sup> (11) of the statutes is created to read:

\* 19.46<sup>8</sup> (11) Maintain an Internet site <sup>on</sup> ~~under~~ which the information required to be posted by agencies under s. 16.753 (4) can be posted and accessed. The information on the site shall be accessible directly or by linkage from a single page on the Internet.