

2007 SENATE BILL 163

April 23, 2007 – Introduced by Senators WIRCH, CARPENTER, ERPENBACH, HANSEN, LASSA, LEHMAN, MILLER, ROBSON and TAYLOR, cosponsored by Representatives POCAN, ALBERS, BERCEAU, BLACK, BOYLE, GRIGSBY, HIXSON, JORGENSEN, MASON, MOLEPSKE, POPE-ROBERTS, SEIDEL, SHERIDAN, SHILLING, SINICKI, TOLES, TRAVIS, TURNER, VAN AKKEREN, A. WILLIAMS and ZEPNICK. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT to amend** 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and **to create** 16.705
2 (1r) of the statutes; **relating to:** state procurement of contractual services.

Analysis by the Legislative Reference Bureau

Currently, state executive branch agencies may contract for services that can be performed more economically or efficiently by contract than by state employees. With numerous exceptions, any services must be obtained from the lowest responsible bidder or the person submitting the most advantageous competitive sealed proposal. Services may be obtained from domestic or foreign sources.

With certain exceptions, this bill requires all contractual services purchased by state executive branch agencies to be performed within the United States. This requirement does not apply if the contractual services cannot be obtained within the United States.

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:

3 **SECTION 1.** 16.705 (1r) of the statutes is created to read:
4 16.705 (1r) Notwithstanding s. 16.75 (2m) and (3m), and except as provided in
5 s. 16.75 (2) (b) and (7), the department and its agents may purchase contractual

SENATE BILL 163

1 services only if those services are performed within the United States. This
2 requirement does not apply if the contractual services are not available to be
3 performed within the United States.

4 **SECTION 2.** 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 141,
5 is amended to read:

6 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
7 materials, supplies, equipment, and contractual services to be provided to any
8 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
9 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05
10 (7) (f), 153.05 (2m) (a), 287.15 (7), and 301.265, shall be awarded to the lowest
11 responsible bidder, taking into consideration life cycle cost estimates under sub.
12 (1m), when appropriate, the location of the agency, the quantities of the articles to
13 be supplied, their conformity with the specifications, and the purposes for which they
14 are required and the date of delivery.

15 **SECTION 3.** 16.75 (6) (bm) and (e) of the statutes are amended to read:

16 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
17 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
18 16.705 (1), and (2) to (8) and 16.72 (2) (e) and (f) and (5) with respect to any contract
19 entered into by the department of workforce development under s. 49.143, if the
20 department of workforce development presents the secretary with a process for the
21 procurement of contracts under s. 49.143 and the secretary approves the process.

22 (e) The governor or his or her designee may waive any requirement of this
23 subchapter, except s. 16.705 (1r), if the governor or his or her designee finds that
24 there exists an emergency which threatens the public health, safety or welfare and
25 the waiver is necessary to meet the emergency. The governor or his or her designee

SENATE BILL 163

1 shall require the award of each contract under this paragraph to be made with such
2 competition as is practicable under the circumstances. The governor or his or her
3 designee shall file with the department a statement of facts constituting the
4 emergency for each waiver issued under this paragraph, and a statement of the basis
5 for selection of each contractor under the emergency procedure. This paragraph does
6 not apply to the requirement specified in sub. (7).

7 **SECTION 4. Initial applicability.**

8 (1) This act first applies with respect to bids or competitive sealed proposals for
9 contractual services solicited on the effective date of this subsection.

10 (END)