

2007 DRAFTING REQUEST

Bill

Received: 03/05/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: John Wagnitz

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: State Govt - procurement

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring all contractual services purchased by the executive branch to be performed in the United States

Instructions:

See Attached--2005 SB 98

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>
/?	chanaman 03/06/2007	lkunkel 03/12/2007					State
/1			jfrantze 03/13/2007		cduerst 03/13/2007	cduerst 03/13/2007	

FE Sent For:

<END>

At intro

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/?	chanaman	/1 Ink 3/11	<i>J</i> 3/13	<i>JTR</i> 3/13			

FE Sent For:

<END>

Hanaman, Cathlene

From: Kuesel, Jeffery
Sent: Tuesday, February 13, 2007 12:12 PM
To: Wagnitz, John
Cc: Hanaman, Cathlene
Subject: FW: 2005 SB-98

John,

I am forwarding your request to LRB attorney Cathlene Hanaman, who now handles the subject area of your request.

Jeffery Kuesel

*Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us*

From: Duerst, Christina
Sent: Tuesday, February 13, 2007 10:24 AM
To: Kuesel, Jeffery
Subject: FW: Message for Jeff Kuesel

From: Wagnitz, John
Sent: Tuesday, February 13, 2007 9:58 AM
To: LRB.Legal
Subject: Message for Jeff Kuesel

Jeff,

Please draft a bill based on 2005 SB 98 for Senator Hansen.

Thank You,

John Wagnitz
Office of State Senator Dave Hansen
18 South, State Capitol
phone: (608) 266-5670

2005 SENATE BILL 98
[Link to Bill History](#)

March 2, 2005 - Introduced by Senators Robson, Hansen, Carpenter, Erpenbach, Lassa, Miller, Taylor and Wirch, cosponsored by Representatives Pocan, Black, Boyle, Cullen, Freese, Grigsby, Gronemus, Lehman, Molepske, Pope-Roberts, Richards, Sheridan, Shilling, Sinicki, Turner, Van Akkeren and Zepnick. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

Pg1Ln1 An Act to amend 16.705 (1), 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and to
Pg1Ln2 create 16.705 (1r) of the statutes; relating to: state procurement of
Pg1Ln3 contractual services.

Analysis by the Legislative Reference Bureau

SB98

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.

SB98

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:

SB98, s. 1

Pg1Ln4 Section 1. 16.705 (1) of the statutes is amended to read:

SB98, s. 1 - continued

Pg2Ln1 16.705 (1) The Except as provided in subs. (1m) and (1r), the department or its
Pg2Ln2 agents may contract for services which can be performed more economically or
Pg2Ln3 efficiently by such contract.

SB98, s. 2

Pg2Ln4 Section 2. 16.705 (1r) of the statutes is created to read:

SB98, s. 2 - continued

Pg2Ln5 16.705 (1r) (a) Notwithstanding s. 16.75 (2m) and (3m), and except as provided
Pg2Ln6 in par. (b) and s. 16.75 (2) (b) and (7), the department and its agents may purchase
Pg2Ln7 contractual services only if those services are performed within the United States.

SB98, s. 2 - continued

Pg2Ln8 (b) Paragraph (a) does not apply to contractual services that are not available
Pg2Ln9 to be performed within the United States.

SB98, s. 3

Pg2Ln10 Section 3. 16.75 (1) (a) 1. of the statutes is amended to read:

SB98, s. 3 - continued

Pg2Ln11 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
Pg2Ln12 materials, supplies, equipment, and contractual services to be provided to any
Pg2Ln13 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
Pg2Ln14 (6), (7), (8), (9), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 16.964 (8),
Pg2Ln15 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
Pg2Ln16 responsible bidder, taking into consideration life cycle cost estimates under sub.
Pg2Ln17 (1m), when appropriate, the location of the agency, the quantities of the articles to
Pg2Ln18 be supplied, their conformity with the specifications, and the purposes for which they
Pg2Ln19 are required and the date of delivery.

SB98, s. 4

Pg2Ln20 Section 4. 16.75 (6) (bm) and (e) of the statutes are amended to read:

SB98, s. 4 - continued

Pg2Ln21 16.75 (6) (bm) If the secretary determines that it is in the best interest of this

Pg2Ln22 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
Pg2Ln23 16.705 (1), (1m), and (2) to (8) and 16.72 (2) (e) and (f) and (5) with respect to any
Pg2Ln24 contract entered into by the department of workforce development under s. 49.143,
Pg3Ln1 if the department of workforce development presents the secretary with a process for
Pg3Ln2 the procurement of contracts under s. 49.143 and the secretary approves the process.

SB98, s. 4 - continued

Pg3Ln3 (e) The governor or his or her designee may waive any requirement of this
Pg3Ln4 subchapter, except s. 16.705 (1r), if the governor or his or her designee finds that
Pg3Ln5 there exists an emergency which threatens the public health, safety or welfare and
Pg3Ln6 the waiver is necessary to meet the emergency. The governor or his or her designee
Pg3Ln7 shall require the award of each contract under this paragraph to be made with such
Pg3Ln8 competition as is practicable under the circumstances. The governor or his or her
Pg3Ln9 designee shall file with the department a statement of facts constituting the
Pg3Ln10 emergency for each waiver issued under this paragraph, and a statement of the basis
Pg3Ln11 for selection of each contractor under the emergency procedure. This paragraph does
Pg3Ln12 not apply to the requirement specified in sub. (7).

SB98, s. 5

Pg3Ln13 Section 5. Initial applicability.

SB98, s. 5 - continued

Pg3Ln14 (1) This act first applies with respect to bids or competitive sealed proposals for
Pg3Ln15 contractual services solicited on the effective date of this subsection.
Pg3Ln16 (End)

2005 SENATE BILL 98

March 2, 2005 - Introduced by Senators ROBSON, HANSEN, CARPENTER, ERPENBACH, LASSA, MILLER, TAYLOR and WIRCH, cosponsored by Representatives POCAN, BLACK, BOYLE, CULLEN, FREESE, GRIGSBY, GRONEMUS, LEHMAN, MOLEPSKE, POPE-ROBERTS, RICHARDS, SHERIDAN, SHILLING, SINICKI, TURNER, VAN AKKEREN and ZEPNICK. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

represent

LPS: PPS/PWF

1 AN ACT *to amend* 16.705 (1), 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and *to*
2 *create* 16.705 (1r) of the statutes; **relating to:** state procurement of
3 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:

4 SECTION 1. 16.705 (1) of the statutes is amended to read:

SENATE BILL 98

1 16.705 (1) ~~The Except as provided in subs. (1m) and (1r), the department or its~~
2 agents may contract for services which can be performed more economically or
3 efficiently by such contract. NO BOARD

4 SECTION 2. 16.705 (1r) of the statutes is created to read:

5 16.705 (1r) (a) Notwithstanding s. 16.75 (2m) and (3m), and except as provided
6 in ~~par. (b) and~~ s. 16.75 (2) (b) and (7), the department and its agents may purchase
7 contractual services only if those services are performed within the United States.

8 (b) Paragraph (a) does not apply to contractual services that are not available
9 to be performed within the United States. if the

10 SECTION 3. 16.75 (1) (a) 1. of the statutes is amended to read:

11 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
12 materials, supplies, equipment, and contractual services to be provided to any
13 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
14 (6), (7), (8), (9), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 16.964 (8),
15 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
16 responsible bidder, taking into consideration life cycle cost estimates under sub.
17 (1m), when appropriate, the location of the agency, the quantities of the articles to
18 be supplied, their conformity with the specifications, and the purposes for which they
19 are required and the date of delivery.

20 SECTION 4. 16.75 (6) (bm) and (e) of the statutes are amended to read:

21 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
22 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
23 16.705 (1) ~~(1m)~~ and (2) to (8) and 16.72 (2) (e) and (f) and (5) with respect to any
24 contract entered into by the department of workforce development under s. 49.143,

WWS
2-20

NOA
This requirement

SENATE BILL 98

1 if the department of workforce development presents the secretary with a process for
2 the procurement of contracts under s. 49.143 and the secretary approves the process.

3 (e) The governor or his or her designee may waive any requirement of this
4 subchapter, except s. 16.705 (1r), if the governor or his or her designee finds that
5 there exists an emergency which threatens the public health, safety or welfare and
6 the waiver is necessary to meet the emergency. The governor or his or her designee
7 shall require the award of each contract under this paragraph to be made with such
8 competition as is practicable under the circumstances. The governor or his or her
9 designee shall file with the department a statement of facts constituting the
10 emergency for each waiver issued under this paragraph, and a statement of the basis
11 for selection of each contractor under the emergency procedure. This paragraph does
12 not apply to the requirement specified in sub. (7).

13 **SECTION 5. Initial applicability.**

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

16 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2147/?ins

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INS 2-20

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

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

Note: Note: Subd. 1. is amended eff. 7-1-07 by 2005 Wis. Act 141 to read: Note:

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

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983
a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a.
27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; s. 13.93 (2) (c).

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Duerst, Christina

From: Wagnitz, John
Sent: Tuesday, March 13, 2007 3:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2147/1 Topic: Requiring all contractual services purchased by the executive branch to be performed in the United States

Please Jacket LRB 07-2147/1 for the SENATE.