

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB654)

Received: **04/05/2010**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB: **a2013**

For: **Louis Molepske Jr (608) 267-9649**

By/Representing: **Summer**

May Contact:

Drafter: **mshovers**

Subject: **Local Gov't - munis generally**
Local Gov't - counties

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Molepske@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Qualifications-based selection process for certain local government projects that require a consultant

Instructions:

See attached. Create another QBS exception; increase minimum cost threshold; 5% state funding requirement. Companion to LRB a2013

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>
/?	mshovers 04/06/2010	kfollett 04/06/2010		_____			
/1			jfrantze 04/06/2010	_____	lparisi 04/06/2010	lparisi 04/06/2010	

FE Sent For:

<END>

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
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1/?	mshovers	1/15/10		4/6			
1/1 NES	4/6/10	4/6					

FE Sent For:

<END>

Shovers, Marc

From: Farnsworth, Kathy
Sent: Monday, April 05, 2010 3:36 PM
To: Shovers, Marc
Cc: Rep.Molepske; 'molepskelaw@gmail.com'
Subject: FW: Amendment to the QBS bill

Clarification on Amendment request – regarding parenthetical phrase in “a.)” – please draft amendment such that all notices should be directed to DoA.

Kathy Farnsworth
Office of Representative Louis J. Molepske, Jr.
Chair-Committee on Jobs, the Economy and Small Business
State Capitol
P. O. Box 8953
Madison, WI 53708-8953
608.267.9649
888.534.0071
kathy.farnsworth@legis.wisconsin.gov

From: Rep.Molepske
Sent: Monday, April 05, 2010 11:24 AM
To: Shovers, Marc
Cc: Rep.Molepske; Farnsworth, Kathy; 'Peter Kammer'; Susie Schooff
Subject: FW: Amendment to the QBS bill

Please draft assembly amendment to AB 654. This bill is on the delayed calendar in the Assembly and may come up when session begins. Many thanks for your assistance.

Louis J. Molepske, Jr.
Chair-Committee on Jobs, the Economy and Small Business
State Capitol
P. O. Box 8953
Madison, WI 53708-8953
608.267.9649
888.534.0071
kathy.farnsworth@legis.wisconsin.gov

From: Peter Kammer [mailto:PKammer@ekgmail.com]
Sent: Friday, April 02, 2010 4:25 PM
To: Shannon-Bradley, Summer; Molepske, Louis; Tuschen, Terry
Cc: Susie Schooff
Subject: Amendment to the QBS bill

The summary below outlines the three elements for an amendment to the QBS bill (SB 442 and AB 654). I would request that Senator Plale's office and Rep. Molepske's office work together to have this language drafted as an amendment to their bills. The three amendment

areas are concessions to local government and give them greater flexibility to use alternative selection methods.

Exception to Qualifications Based Selection:

A political subdivision may use a non-QBS selection method provided it complies with all of the following requirements:

- a.) The political subdivision must submit a notification to the state agency which provides the largest % of state funding for the proposed project. A request to only one state agency is required in the event that multiple agencies have provided equal levels of state funding for a project. (Note: we are determining if it is administratively more efficient to direct all notices, regardless of funding source to one location, e.g. DOA)
- b.) The notification shall include the compelling reasons that their alternate selection method better serves the public interest.
- c.) The agency shall approve the alternate selection method only if the local unit of government can demonstrate that qualifications are a major consideration in making the selection and that cost alone has not determined the selection.
- d.) A local unit of government may only *request* the use of an alternate selection method two times during any twelve month period.

Increase threshold:

Under the original bill language, QBS selection is not required for projects that cost less than \$250,000 (project cost includes design and construction). The amendment would increase this threshold to \$500,000.

New requirement on % of state funds:

Under the original bill language, state funds must be one source of project funding. The amendment would specify that a minimum of 5% of the total project cost (project cost includes design and construction) come from the state.



State of Wisconsin
2009 - 2010 LEGISLATURE

a2014/1
LRB#2013/1
MES...

RMR

ASSEMBLY
~~SENATE~~ AMENDMENT,
TO 2009 ~~SENATE~~ BILL 442 654

D-note

today
or
Wed. a.m
(a) latest

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 23: delete "\$250,000" and substitute "\$500,000".
- 3 **2.** Page 3, line 24: delete "some amount of financial assistance to the" and
- 4 substitute "at least 5 percent of the total cost of the complete".
- 5 **3.** Page 5, line 24: after that line insert:
- 6 "(d) The requirement for a local governmental unit to use the
- 7 qualifications-based selection process for hiring a consultant, as described under
- 8 sub. (2), does not apply to a project if all of the following apply:
- 9 1. The local governmental unit submits written notification to the department
- 10 of administration that it intends to hire a consultant without using the
- 11 qualifications-based selection process, and the notification describes the method the
- 12 local governmental unit intends to use to hire the consultant.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

a2014/1dn
LRBa2013/1dn
MES...
kjf

Date

Representative Molepske
Senator [Signature]

Please review this amendment carefully to ensure that it meets your intent. The instructions stated that the notification "shall include the compelling reasons that their alternate selection method better serves the public interest." I rewrote this requirement in par. (d) 2. and left out "compelling" because it wasn't clear to me who would determine whether a reason was "compelling." Please let me know if my rewrite does not reflect your intent.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2014/1dn
MES:kjf:jf

April 6, 2010

Representative Molepske:

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Marc E. Shovers
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