



2009 ASSEMBLY BILL 2

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

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
6 services only if those services are performed within the United States. This
7 requirement does not apply to any of the following:

8 (a) Contractual services that are not available to be performed within the
9 United States.

10 (b) Contractual services if the payment for any part of the contractual services
11 is made from federal moneys.

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1 (c) The renewal, modification, or extension of any contract in effect on the
2 effective date of this paragraph [LRB inserts date].

3 (d) Contractual services purchased by the Board of Regents of the University
4 of Wisconsin System with moneys appropriated under s. 20.285 (1) (j), (ja), (jm), (u),
5 or (w) or (5) (j).

6 **SECTION 2.** 16.75 (1) (a) 1. of the statutes is amended to read:

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

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

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

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

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

8 **SECTION 4. Initial applicability.**

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

11

(END)