

2009 DRAFTING REQUEST

Bill

Received: **12/08/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glen Wavrunek**

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: **Rep.Pocan@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-07 AB-307

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 12/11/2008	bkraft 12/23/2008		_____			State
/1	chanaman 01/14/2009	wjackson 01/14/2009	mduchek 12/23/2008	_____	sbasford 12/23/2008		State
/2	chanaman 01/16/2009	bkraft 01/16/2009	phenry 01/15/2009	_____	sbasford 01/15/2009		State
/3			jfrantze	_____	mbarman	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/16/2009 _____		01/16/2009	01/16/2009	

FE Sent For: "13" @ intro. 1/16/09

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/08/2008

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Mark Pocan (608) 266-8570

By/Representing: Glen Wavrunek

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: Rep.Pocan@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-07 AB-307

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 12/11/2008	bkraft 12/23/2008		_____			State
/1	chanaman 01/14/2009	wjackson 01/14/2009	mduchek 12/23/2008	_____	sbasford 12/23/2008		State
/2	chanaman 01/16/2009	bkraft 01/16/2009	phenry 01/15/2009	_____	sbasford 01/15/2009		State
/3			jfrantze	_____	mbarman		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

01/16/2009 _____ 01/16/2009

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/08/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glen Wavrunek**

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: **Rep.Pocan@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-07 AB-307

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 12/11/2008	bkraft 12/23/2008		_____			State
/1	chanaman 01/14/2009	wjackson 01/14/2009	mduchek 12/23/2008	_____	sbasford 12/23/2008		State
/2			phenry 01/15/2009	_____	sbasford 01/15/2009		

13 bjk 1/16

Jo Jo/bjk
1/16 1/16

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/08/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glen Wavrunek**

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: **Rep.Pocan@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-07 AB-307

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 12/11/2008	bkraft 12/23/2008		_____			State
/1		1/2 WJ 1/14	mduchek 12/23/2008	1/15 ph	sbasford 12/23/2008		

FE Sent For:

1/15 ph
1/15 ph
<END>

2009 DRAFTING REQUEST

Bill

Received: 12/08/2008

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glen Wavrunek**

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: **Rep.Pocan@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-07 AB-307

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	1 bjk 12/23	MS 12/23	MS 12/23			

FE Sent For:

<END>

Hanaman, Cathlene

From: Wavrunek, Glenn
Sent: Monday, December 08, 2008 10:16 AM
To: Hanaman, Cathlene
Subject: 2007 Assembly Bill 307

Hi Cathlene -

We were wondering if we can get a re-draft of 2007 AB307 for the 2009 Session? Any questions, please feel free to give us a call at 266-8570. Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan

2007 ASSEMBLY BILL 307

May 7, 2007 – Introduced 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, cosponsored by Senators WIRCH, CARPENTER, ERPENBACH, HANSEN, LASSA, LEHMAN, MILLER, ROBSON and TAYLOR. Referred to Committee on Jobs and The Economy.

PWF

SAV
X-10f ✓

reyn cut

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

ASSEMBLY BILL 307

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), and 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

children and families x2

16.964 (8) 5

ASSEMBLY BILL 307

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)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1064/A
CMH:bjk:md

2

Thurs 8:30
A.M.

TWLj

2009 BILL

refer

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.

are paid for with federal monies

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

BILL

INS 2-2 ✓

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 is amended to read:

5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any
7 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
8 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754,
9 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
10 responsible bidder, taking into consideration life cycle cost estimates under sub.
11 (1m), when appropriate, the location of the agency, the quantities of the articles to
12 be supplied, their conformity with the specifications, and the purposes for which they
13 are required and the date of delivery.

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

15 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
16 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
17 16.705 (1) and (2) to (8) and 16.72 (2) (e) and (f) and (5) with respect to any contract
18 entered into by the department of children and families under s. 49.143, if the
19 department of children and families presents the secretary with a process for the
20 procurement of contracts under s. 49.143 and the secretary approves the process.

21 (e) The governor or his or her designee may waive any requirement of this
22 subchapter, except s. 16.705 (1r), if the governor or his or her designee finds that
23 there exists an emergency which threatens the public health, safety or welfare and
24 the waiver is necessary to meet the emergency. The governor or his or her designee
25 shall require the award of each contract under this paragraph to be made with such

BILL

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

SECTION 4. Initial applicability.

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

9 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1064/lins
CMH:bjk:md

1 Insert 2-2

2 ^{No ff} to any of the following:

3 (a) ^e To contractual services that are not available to be performed within the
4 United States.

5 (b) ^e To contractual services if the payment for any part of the contractual
6 services is made from federal moneys.

7 (c) ^e To the renewal, modification, or extension of any contract in effect on the
8 effective date of this paragraph [^{LRB} ~~revisor~~ inserts date].

Hanaman, Cathlene

From: Wavrunek, Glenn
Sent: Thursday, January 15, 2009 4:40 PM
To: Hanaman, Cathlene
Subject: LRB 1064

Cathlene -

As discussed earlier today, here is the list of donations to the UW that in turns become PR. Because these are donations and not taxpayer dollars (ie: these donors know where their money is going), we would like to exempt these appropriations from the bill:

Non Federal Gift and Grant:

- Fund 133 Gift and Grants-General ~~20-285 (1) (j)~~
- Fund 134 Gifts-Student Loans ~~(ja)~~
- Fund 135 Gifts and Donations-WARF - ?
- Fund 182 Distinguished Professorships-Matching - ? (j) (jm)
- Fund 233 Gifts-General - ?
- Fund 533 UW Madison Athletics-Gifts and Grants - 20-285 (5) (j)
- Fund 161 Endowment Trust Fund Income - ?

Also, here is a list just for you on Fed sources, but shouldn't matter because FED has been exempted:

Federal:

- Fund 140 Fed aid-Pharmacy Loan Program
- Fund 141 Fed aid-Medicine Loan Program
- Fund 142 Fed aid-Hatch Adams-Land Grant Research
- Fund 143 Federal Aid-Smith Lever-Land Grant Extension
- Fund 144 Fed aid-Special Projects
- Fund 145 Fed aid-Work study
- Fund 146 Fed aid-SEOG
- Fund 147 Fed aid-student loans
- Fund 148 Fed aid-BEOG (Pell)
- Fund 149 Fed aid-Direct Student Loans
- Fund 150 Fed aid-Federal Indirect Cost Reimbursement
- Fund 151 Fed aid-Nursing Loans-Undergraduate
- Fund 152 Fed aid- Nursing Loans-Graduates
- Fund 199 Veterinary Diagnostic Lab-Federal Aid
- Fund 350 Federal Indirect Cost Reimbursement

Thanks again for rushing this for us!!!!

And one last thing ... could you give me a ring at 266-8570 to discuss the study abroad thing some more?

Glenn Wavrunek
Office of Rep. Mark Pocan



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1064/2 ⁶³
CMH:bjk:ph
↳ Stay
EPG

2009 BILL

SAV
Insert

regen.

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 or are paid for with federal moneys.

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

or if the contractual services are purchased by the University of Wisconsin ~~state~~ system from gifts, grants, or endowment trust fund income

BILL

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

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

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

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

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

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

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

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

2-8

¶ (d)_{AA} Contractual services purchased by the
Board of Regents of the University of Wisconsin
System with ~~gifts or grants~~ ^{with} moneys appropriated to
~~the Board of Regents of the University of Wisconsin System~~
~~with moneys received or trust fund income~~
under \S 20-285(1)(j) \wedge (ja) \wedge (jm) \wedge (u) \wedge or
(w) or (5)(j) \odot

Basford, Sarah

From: Wavrunek, Glenn
Sent: Friday, January 16, 2009 12:32 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1064/3 Topic: Requiring all contractual services purchased by the executive branch to be performed in the United States

Please Jacket LRB 09-1064/3 for the ASSEMBLY.