



State of Wisconsin
2011 – 2012 LEGISLATURE



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**SENATE AMENDMENT 3,
TO 2011 SENATE BILL 492**

March 6, 2012 – Offered by Senators LASSA, WIRCH, S. COGGS, T. CULLEN, C. LARSON,
HOLPERIN, SHILLING, MILLER, HANSEN, RISSER, ERPENBACH, VINEHOUT and
CARPENTER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after “contracts” insert “and creating a preference in state
3 procurement for Wisconsin–based businesses”.

4 **2.** Page 4, line 1: before that line insert:

5 “**SECTION 1c.** 16.75 (1) (a) 1. of the statutes 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 (4m), (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754,
10 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), 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

1 be supplied, their conformity with the specifications, and the purposes for which they
2 are required and the date of delivery.

3 **SECTION 1e.** 16.75 (1) (a) 2. of the statutes is repealed.

4 **SECTION 1f.** 16.75 (4m) of the statutes is created to read:

5 16.75 **(4m)** (a) In this subsection, “Wisconsin business” means a business that
6 has at least 50 percent of its operations in Wisconsin or that plans to have at least
7 50 percent of its operations in Wisconsin by the end of the year following the
8 solicitation of the bid or proposal.

9 (b) 1. The department and any agency making purchases under s. 16.74 shall
10 attempt to maximize the amount paid under this subchapter in each fiscal year to
11 Wisconsin businesses.

12 2. Except as provided under sub. (7), the department and any agency making
13 purchases under s. 16.74 may purchase materials, supplies, equipment, and
14 contractual services from any Wisconsin business submitting a qualified responsible
15 competitive bid that is no more than 5 percent higher than the apparent low bid or
16 submitting a competitive proposal that is no more than 5 percent higher than the
17 most advantageous proposal.

18 **SECTION 1h.** 16.754 (2) of the statutes is amended to read:

19 16.754 **(2)** PURCHASE PREFERENCE. Notwithstanding s. 16.75 (1) ~~(a) 2.,~~ (2), (2m),
20 and (6), when all other factors are substantially equal the state shall purchase
21 materials which are manufactured to the greatest extent in the United States.

22 **SECTION 1j.** 16.754 (3) (intro.) of the statutes is amended to read:

23 16.754 **(3)** EXEMPTIONS. (intro.) Subsection (2) does not apply if the materials
24 are purchased for the purpose of commercial resale or for the purpose of use in the
25 production of goods for commercial sale. Subsection (2) does not apply to the

1 purchase of stationery and printing materials. Subsection (2) does not apply if the
2 department determines, ~~under s. 16.75 (1) (a) 2.~~, that the foreign nation or
3 subdivision thereof in which the vendor is domiciled does not give preference to
4 vendors domiciled in that nation or subdivision in making governmental purchases.
5 Subsection (2) does not apply if the department or other person having contracting
6 authority in respect to the purchase determines that:”.

7 **3.** Page 4, line 1: delete “**SECTION 1**” and substitute “**SECTION 1r**”.

8 **4.** Page 23, line 6: after that line insert:

9 “(2d) STATE PROCUREMENT. The treatment of section 16.75 (4m) of the statutes
10 first applies to bids or proposals solicited on the effective date of this subsection.”.

11 (END)