

State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 280

September 5, 2013 – Introduced by Senator Harsdorf, cosponsored by Representative Knudson. Referred to Joint Committee on Finance.

- AN ACT relating to: expenditure of \$217,499 from the general fund in payment
- of a claim against the state made by J & L Steel and Electrical Services.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$217,499 from the general fund in payment of a claim against the Department of Administration (DOA) by J & L Steel and Electrical Services. The claimant installed a visual nurse call system at a skilled nursing facility located at the Wisconsin Veterans Home at Chippewa Falls in 2011. The bid specifications called for a Rauland Responder 4000 or approved equal system. The bid's general conditions required that substitutions be submitted to DOA for approval at least ten days prior to the bidding deadline but did not require pre-bidding submission of approved equals to the Rauland system. DOA declined to approve the system upon which the claimant based its bid. DOA asserts that the bid specifications require that substitutions to specifications be submitted to the project engineer at least ten days prior to bidding and the claimant did not comply The claimant asserts that DOA used a sole-source with the specifications. procurement process without obtaining the proper approval for its use as required The claimant claimed \$217,499, representing increased bidding costs, witness fees, and attorney fees incurred resulting from DOA's incorrect interpretation of the bid specifications. The claims board denied this claim on June 19, 2013 (see *Senate Journal*, p. 302).

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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:

SECTION 1. Claim against the state.

(1) There is directed to be expended from the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts of 2013, \$217,499 as payment of a claim against the state made by J & L Steel and Electrical Services, Hudson, Wisconsin, as reimbursement for work performed on a visual nurse call system in 2011 at a skilled nursing facility for the Wisconsin Veterans Home at Chippewa Falls that was installed by the claimant but for which the Division of State Facilities declined to approve payment because the system did not conform to the division's interpretation of relevant specifications for the facility. Acceptance of this payment releases this state and its officers, employees, and agents from any further liability resulting from work performed by the claimant on the construction of the skilled nursing facility at the Wisconsin Veterans Home at Chippewa Falls.

13 (END)