

OJSV

1 **484.** Page 673, line 4: after that line insert:

2 “**SECTION 1079m.** 84.062 of the statutes is created to read:

3 **84.062 Alternative project delivery. (1) DEFINITIONS.** In this section:

4 (a) “Alternative technical concepts” means a proposed alternative to the
5 technical requirements provided by the office in the request for proposals for a
6 project.

7 (b) “Best value design-build contract” means a design-build contract award
8 made following a calculation of value as provided in a request for proposals.

9 (c) “Design-build contract” means a contract for a project under which the
10 design, engineering, construction, and related services are provided by a single
11 design-builder.

12 (d) “Design-builder” means a private legal entity, consortium, or joint venture
13 that proposes to or executes a contract with the office to design, engineer, and
14 construct a project under this section.

15 (e) “Design-build project” means a project for which design, engineering,
16 construction, and related services are procured through a single contract with a
17 single private legal entity, consortium, or joint venture capable of providing the
18 necessary design, engineering, construction, and related services.

19 (f) “Design professional” means a person registered under s. 443.03 or 443.04
20 or a firm, partnership, or corporation registered under s. 443.08.

21 (g) “Director” means the director of the office of innovative program delivery
22 attached to the department under s. 15.463 (1).

1 (h) "Fixed price variable scope design-build contract" means a design-build
2 contract award made to the lowest qualified responsible bidder able to provide the
3 best qualitative scope of work at a price not to exceed a fixed price set by the office.

4 (i) "Low bid design-build contract" means a design-build contract award made
5 to the lowest qualified responsible bidder.

6 (j) "Member" means a private legal entity that is a member of a consortium or
7 joint venture that is a design-builder.

8 (k) "Office" means the office of innovative program delivery attached to the
9 department under s. 15.463 (1).

10 (L) "Project" means a project involving a highway improvement, as defined in
11 s. 84.06 (1) (am).

12 (m) "Qualified responsible bidder" means a design-builder responding to a
13 request for qualifications and that is certified by the technical review committee.

14 (n) "Responsive cost proposal" means a proposal that clearly identifies the costs
15 of all services to be performed by the qualified responsible bidder, including all
16 related fees, wages, and equipment and material costs.

17 (o) "Responsive technical proposal" means a proposal that clearly
18 demonstrates a qualified responsible bidder's understanding of the design,
19 engineering, and construction services to be performed and clearly describes the
20 bidder's approach to the project.

21 (p) "Technical review committee" means the committee appointed under sub.
22 (3).

23 (q) "Value engineering change" means a proposal that provides for a product
24 of equal or improved quality to the product required by the department and that will
25 reduce the project cost, improve safety, or decrease the time to complete the project.

1 **(2) DESIGN-BUILD PROJECTS.** (a) The department shall administer a pilot
2 program under which not more than 6 contracts are awarded for design-build
3 projects to be completed no later than December 31, 2025. The director may not
4 designate a project as a design-build project unless the department is able to clearly
5 define the scope of work.

6 (b) The department may not expend more than \$250,000,000 for 6 design-build
7 contracts designated as follows:

8 1. One low bid design-build contract for a project with an estimated value of
9 not less than \$5,000,000 and not more than \$25,000,000.

10 2. One best value design-build contract for a project with an estimated value
11 of not less than \$25,000,000 and not more than \$75,000,000.

12 3. One fixed price variable scope design-build contract with an estimated value
13 of not less than \$25,000,000 and not more than \$75,000,000.

14 4. Three contracts designated by the director with a total estimated value of not
15 more than \$125,000,000. The department may enter into a low bid design-build
16 contract, best value design-build contract or a fixed price variable scope
17 design-build contract under this subdivision.

18 (c) For each project designated as a design-build project under par. (a), the
19 office shall prepare a written analysis supporting the office's determination that it
20 is the best interests of the state to make the designation. The written determination
21 and supporting materials are subject to inspection under s. 19.35. The written
22 analysis shall include all of the following:

23 1. The extent to which the department can adequately define the project
24 requirements in a proposed scope of design and construction.

25 2. The impact on the projected project schedule and completion date.

1 3. The impact on the projected cost of the project.

2 4. The impact on the quality factors of the project.

3 5. The availability of contractors with experience with design-build projects or
4 other innovative project delivery methods.

5 6. The capability of the department to manage a design-build project with
6 office employees and design consultants.

7 7. The capability of the department to oversee a design-build project with a
8 contractor with experience with design-build projects or other innovative project
9 delivery methods.

10 8. The availability of current department employees qualified to perform
11 design and engineering services required for the design-build project.

12 9. The original character of the product or the services.

13 10. The statutory authority for the designation of the project as a design-build
14 project and how the project furthers the department's statutory duties.

15 11. Whether the design-build project must comply with any federal rule or
16 regulation or any U.S. department of transportation requirement and a statement
17 that the design-build project is in compliance.

18 12. Any other criteria the office determines is necessary.

19 (d) For each project designated under par. (a), the office shall solicit requests
20 for qualifications, requests for proposals, and cost proposals as provided in this
21 section and, subject to sub. (7) (c) and (d), let each project by contract to a qualified
22 responsible bidder.

23 (e) No more than 6 months following the completion of a design-build project
24 designated under this subsection, the office shall prepare a report, with input from
25 the design-builder and the technical review committee, detailing the project, the

1 decision to designate the project as a design-build project, the type of design-build
2 contract let, and recommendations for statutory changes, if any. The office shall
3 provide this report to the joint committee on finance and the senate and assembly
4 standing committees having jurisdiction over transportation matters. The senate
5 and assembly standing committees having jurisdiction over transportation matters
6 shall schedule a hearing on the report not more than 30 days following distribution
7 of the report by the chief clerks of the senate and the assembly. This paragraph does
8 not apply to projects completed after December 31, 2025.

9 **(3) TECHNICAL REVIEW COMMITTEE.** (a) The secretary shall appoint 5 individuals
10 to a technical review committee to evaluate proposals submitted under this section.
11 The committee shall consist of the following:

12 1. An employee of the department representing a regional office of the
13 department who has at least 5 years of experience in the transportation construction
14 industry.

15 2. Two employees of the department representing the division of the
16 department responsible for transportation project development, each of whom have
17 at least 5 years of experience in the transportation construction industry.

18 3. One person representing a state association of architectural, engineering, or
19 design companies.

20 4. One person representing a state association of transportation construction
21 companies.

22 (b) The secretary may not appoint to the technical review committee any person
23 associated, as defined in s. 19.42 (2), with a design-builder. No person appointed to
24 the technical review committee may review proposals under this section when the

1 proposed project could benefit the appointee or the appointee's immediate family, as
2 defined in s. 19.42 (7).

3 (c) A person appointed to the technical review committee is an agent of the
4 department under s. 895.46.

5 (d) Except as otherwise provided in this section, all records of the technical
6 review committee are open to public inspection and copying under s. 19.35 (1).

7 **(4) BIDS.** The office shall solicit design-build proposals in 2 phases. In the first
8 phase, the office shall solicit requests for qualifications under sub. (5) and requests
9 for proposals under sub. (6). The technical review committee shall certify responsible
10 bidders as provided in sub. (5) (c) and shall score technical proposals as provided in
11 sub. (6) (b). In the 2nd phase, the office shall solicit cost proposals and the technical
12 review committee shall evaluate cost proposals as provided in sub. (7).

13 **(5) REQUEST FOR QUALIFICATIONS.** (a) The office shall prepare a request for
14 qualifications that includes all of the following:

15 1. Minimum required qualifications for certification as a qualified bidder,
16 which shall include all of the following:

17 a. The design and construction experience of the design-builder or member,
18 personnel, and contractors who will manage the design, engineering, and
19 construction aspects of the project. The office may not require a level of experience
20 that will unreasonably restrict competition.

21 b. A requirement that the design-builder or member employ an individual who
22 has no fewer than 5 years of experience in highway construction specific to highway
23 improvement projects in this state.

24 c. A requirement that the design-builder or member be a design professional
25 or will employ or contract with a design professional.

1 d. A sworn statement of the design-builder's financial ability, equipment, and
2 experience in design-build project delivery and any other information the office
3 determines is necessary to determine a bidder's competency.

4 2. Minimum required qualifications for certification as a responsible bidder,
5 which shall include all of the following:

6 a. The design-builder is registered or authorized to do business in this state.

7 b. The design-builder submits a sworn statement that indicates that it has
8 adequate financial resources to complete the work described in the request for
9 qualifications, taking into account any other work the design-builder is currently
10 under contract to complete.

11 c. The design-builder is bondable for the term of the proposed contract and is
12 able to obtain a 100 percent performance bond and a separate 100 percent payment
13 bond.

14 d. If the department has previously contracted with the design-builder or a
15 member, the design-builder or member has a record of satisfactorily completing
16 projects. In making this determination, the technical review committee shall
17 consider if the design-builder or the member has completed all contracts in
18 accordance with drawings and specifications, diligently pursued execution of the
19 work and completed contracts according to the time schedule, fulfilled guarantee
20 requirements of contracts, and complied with applicable safety program
21 requirements. The technical review committee may not consider whether a
22 design-builder or member exercised legal rights specified in statute or rule or under
23 a contract with the department.

24 e. The design-builder or a member is not on a list maintained by the
25 department identifying persons ineligible to bid due to suspension or debarment or

1 on a list that the department of administration maintains for persons who violated
2 statutory provisions or administrative rules relating to construction.

3 f. The design-builder or a member has been in business for at least 12 months.

4 g. The design-builder or a member has served as a prime contractor on no fewer
5 than 5 projects administered by the department during the previous 5 calendar
6 years.

7 h. The design-builder can provide information to the technical review
8 committee upon request about ownership, management, and control of the
9 design-builder.

10 i. The design-builder or a member has not been debarred from any government
11 contracts and has not been found to have committed tax avoidance or evasion in any
12 jurisdiction in the previous 10 years.

13 j. The design-builder has not been disciplined under a professional license in
14 any jurisdiction in the previous 10 years.

15 k. No design professional employed by the design-builder or a member or that
16 the design-builder will contract with has been disciplined in any jurisdiction under
17 a license that is currently in use.

18 3. Information about bid procedures and the proposed project, including all of
19 the following:

20 a. The type of contract to be awarded.

21 b. The selection criteria for recommendation of design-builders for phase 2.

22 c. Project requirements, including a scope of work statement and a schedule.

23 d. The required completion date of the project.

24 e. A description of requirements for the technical proposal for the project.

1 (b) The office shall advertise the request for qualifications by publication of a
2 class 1 notice, as defined in s. 985.07 (1), in the official state newspaper and on the
3 department's Internet site. The office may place similar notices in publications likely
4 to inform potential bidders of the project. The office shall issue a request for
5 qualifications or provide information as to where the request for qualifications may
6 be obtained to any person, without regard to the qualifications of the person. The
7 office shall include in all advertisements under this paragraph the location and scope
8 of work, the amount of bid guarantee required, the date, time, and place of bid or
9 proposal opening, and the date when and place where plans will be available.

10 (c) The technical review committee shall certify at least 2 but not more than 4
11 design-builders as qualified responsible bidders. If the office does not receive at
12 least 2 responses to the request for qualifications or if the technical review committee
13 certifies only one design-builder as a qualified responsible bidder, the office may
14 re-advertise or cancel the project.

15 **(6) REQUEST FOR PROPOSALS.** (a) The office shall prepare a request for proposals
16 for each design-build contract that includes all the following:

17 1. The name, title, address, and telephone numbers of persons to whom
18 questions concerning the proposal should be directed.

19 2. The procedures to be followed for submitting proposals, including how
20 proposals must be delivered, the date and time by which they must be received, and
21 the name and address of the person who is to receive them.

22 3. The date and time of the pre-proposal conference, if any.

23 4. A requirement that a technical proposal and a cost proposal be submitted in
24 separate sealed proposals at the same time.

1 5. A clear description of the scope of all design, engineering, and construction
2 work.

3 6. The criteria for evaluating proposals and their relative weight, if applicable.

4 7. The design criteria package, including a description of drawings,
5 specifications, or other information to be submitted with the proposals, which shall
6 allow the design-builder to use innovative projects meeting the criteria.

7 8. The project schedule and budget limits, if any.

8 9. The proposed terms and conditions of the contract.

9 10. Requirements relating to performance bonds, payments bonds, and
10 insurance.

11 11. Amount of stipend, if any.

12 12. The procedures for awarding a contract.

13 13. A process for the technical review committee to review and accept
14 alternative technical concepts and value engineering change proposals.

15 14. A requirement that the design-builder perform not less than 30 percent of
16 the construction services under the contract with labor provided by employees of the
17 design-builder or member and equipment owned or rented by the design-builder or
18 member.

19 15. Any other information the office determines is necessary.

20 (b) The technical review committee shall evaluate each technical proposal,
21 which may include a confidential interview, and shall assign points in accordance
22 with the request for proposals and subject to all of the following:

23 1. For a project that will be awarded as either a low bid design-build contract
24 or a fixed price variable scope design-build contract, the technical review committee

1 shall determine whether technical proposals are responsive to the request for
2 proposals without ranking or scoring the proposals.

3 2. For a project that will be awarded as a best value design-build contract, the
4 technical review committee shall determine whether technical proposals are
5 responsive to the request for proposals and score each responsive technical proposal
6 as required by the request for proposals. The technical review committee may award
7 not more than 20 percent of the points awarded to a technical proposal based on the
8 design-builder's qualifications and ability to design, contract, and deliver the project
9 in accordance with any deadline established in the request for proposals. The
10 technical review committee may award a technical proposal not more than 55
11 percent of the maximum number of combined points that may be awarded to a
12 technical proposal and cost proposal.

13 (c) The office shall allow design-builders to include alternative technical
14 concepts and value engineering changes in their proposals by describing the process
15 for submission and evaluation of alternative technical concepts and value
16 engineering changes in the request for proposals.

17 (d) The technical review committee may not consider a proposal responsive
18 unless the proposal includes a conceptual design, critical path method, bar schedule
19 of the work to be performed or similar schematic, design plans and specifications,
20 technical reports, and all other information required by the request for proposals.
21 The technical review committee may not consider any price or fee included in the
22 technical proposal.

23 (e) The office shall notify the design-builder for each proposal that is
24 determined to be responsive under par. (b) that the design-builder may submit a cost

1 proposal under par. (7). The office shall reject all proposals that are determined to
2 be nonresponsive under par. (b).

3 (7) COST PROPOSALS. (a) Design-builders notified under sub. (6) (e) may submit
4 a cost proposal and the proposal shall include a fixed cost of design, engineering, and
5 construction services prepared by a design professional that contains all design,
6 engineering, construction, and quality assurance and quality control costs of the
7 project.

8 (b) The technical review committee may open cost proposals only after the
9 technical proposals have been reviewed as provided in sub. (6). At the time and place
10 specified in the request for proposals, the technical review committee shall open cost
11 proposals, read the proposals aloud, and, for a project that will be awarded as a best
12 value design-build contract, make public the committee's scoring of the technical
13 proposals.

14 (c) Following a review of cost proposals, the department may issue a notice of
15 intent to award a contract, subject to all of the following:

16 1. For a low bid design-build contract, the contract shall be awarded to the
17 qualified responsible bidder that submitted a responsive technical proposal and also
18 submitted the lowest responsive cost proposal.

19 2. For a fixed price variable scope design-build contract, the contract shall be
20 awarded to the qualified responsible bidder that submitted a responsive technical
21 proposal and that submitted a responsive cost proposal that provides the maximum
22 amount of services for the maximum fixed price set by the office or for an amount that
23 is less than the maximum fixed price.

24 3. For a best value design-build contract, the contract shall be awarded to the
25 qualified responsible bidder with the highest adjusted score, which shall be

1 calculated by adding the bidder's technical proposal score to the bidder's cost
2 proposal score. The technical review committee shall award the lowest qualified
3 responsible bidder the maximum number of points that may be awarded to a cost
4 proposal under the request for proposals, but not less than 45 percent and not more
5 than 75 percent of the maximum number of combined points that may be awarded
6 to a technical proposal and cost proposal. For each remaining qualified responsible
7 bidder, the technical review committee shall calculate the score for the cost proposal
8 by reducing the maximum number of points that may be awarded to the cost proposal
9 by at least 1 percent for each percentage point by which the cost proposal exceeds the
10 lowest cost proposal.

11 (d) Following a review of cost proposals, the office may reject all proposals. If
12 the office rejects all proposals or does not execute a contract after issuing an intent
13 to award a contract under par. (c), the office may reissue the request for proposals
14 and allow only the qualified responsible bidders originally notified under sub. (6) (e)
15 to submit new proposals. The office may pay a reasonable stipulated fee to each
16 design-builder that provides a responsive but unsuccessful proposal in response to
17 the reissued request for proposals. If the reissued request for proposals specifies a
18 maximum fixed price, the office may not award a stipend to a design-builder whose
19 proposal exceeds that price.

20 (e) Not less than 5 working days prior to executing a design-build contract, the
21 department shall provide notice to each unsuccessful qualified responsible bidder
22 that a notice of intent to award a contract has been issued.

23 (f) The department and the technical review committee shall maintain the
24 confidentiality of information provided by design-builders as required by s. 84.01
25 (32).

1 **(8) CONTRACT AWARD.** (a) In this subsection:

2 1. "Construction services" means work necessary to construct a project,
3 including trucking services and materials purchased regardless of whether the
4 materials are installed by the design-builder.

5 2. "Specialty services" means work related to sanitary sewer systems, water
6 main systems, staking, electrical, landscaping and erosion control, traffic control,
7 signing, pavement marking, fencing, and other work identified by the office.

8 (b) No later than 10 days following the issuance of a notice of intent to award
9 a design-build contract, the office shall verify that the design-builder will perform
10 not less than 30 percent of the construction services under the contract with labor
11 provided by employees of the design-builder or member and equipment owned or
12 rented by the design-builder or member.

13 (c) The design-builder shall submit to the office in the form prescribed by the
14 office documentation of the construction services the design-builder or members will
15 perform and the dollar value of the services.

16 (d) The office shall calculate the percentage of total construction services
17 identified in the contract to be performed by the design-builder or members by
18 subtracting the value of specialty services to be performed from the total contract
19 amount and dividing the dollar value of construction services to be performed by the
20 design-builder or members by the difference. If the value of construction services
21 to be performed by the design-builder or members is less than 30 percent of the value
22 of all construction services required under the contract, the office shall cancel the
23 contract award.

24 **(9) PROJECT DELIVERY.** An individual identified in a response to a request for
25 qualifications or in a technical proposal may be replaced by a design-builder if the

1 office determines that the new individual meets the qualifications described in the
2 response to the request for qualifications or in the technical proposal and that the
3 individual's qualifications are at least equal to the qualifications of the individual
4 being replaced.

5 (10) LIABILITY. (a) Nothing in this section shall be construed as relieving a
6 design-builder of 3rd-party liability or liability for loss or damage to property of the
7 state or a county or municipality.

8 (b) All design services, including architectural and engineering services,
9 provided under a design-build contract are services and not products.

10 (11) STIPULATED FEE. (a) The department shall award a stipulated fee of not
11 less than three-tenths of 1 percent of the department's estimated cost of design and
12 construction as follows:

13 1. To each qualified responsible bidder that provides a responsive but
14 unsuccessful proposal when the office issues a notice of intent to award a contract.
15 If the request for proposals specifies a maximum fixed price, the office may not award
16 a fee to a proposal that exceeds the maximum fixed price.

17 2. To all qualified responsible bidders that provide a responsive proposal, if the
18 office does not issue a notice of intent to award a contract.

19 3. To all qualified responsible bidders if the office cancels the solicitation before
20 the technical review committee reviews technical proposals.

21 (b) The department shall pay the fee to each qualified responsible bidder under
22 par. (a) no later than 90 days after the department issues a notice of intent to award
23 a contract, determines that it will not issue a notice of intent to award a contract, or
24 cancels the solicitation.

1 (c) In consideration for paying the fee, the department may use work product
2 contained in an unsuccessful proposal in connection with any proposed or awarded
3 design-build project without making any additional compensation to the
4 design-builder. If an unsuccessful design-builder waives the stipulated fee, the
5 department may not use work product in the design-builder's unsuccessful proposal.

6 (12) RULES. The department may promulgate rules necessary to implement
7 this section.

8 (13) APPEALS. (a) Any person aggrieved and directly affected by a decision of
9 the office to issue a request for qualifications or a request for proposals under this
10 section shall be entitled to judicial review of the decision as provided in chapter 227,
11 subject to the procedural requirements of s. 227.53 (1). A person shall be considered
12 a person aggrieved and directly affected by a decision of the office if any of the
13 following apply to a request for qualifications or a request for proposals issued by the
14 office under this section:

15 1. The request does not include qualifications, requirements, or other items
16 required under this section.

17 2. The request does not comply with procedural requirements under this
18 section.

19 3. The request contains material errors or omissions.

20 4. The request contains material discrepancies, deficiencies, or ambiguities
21 that prevent a person from submitting a responsive proposal.

22 5. The request indicates a bias against or preference for a specific
23 design-builder.

24 6. The request exceeds the department's authority.

1 (b) Any person aggrieved and directly affected by a decision of the office to issue
2 a notice of intent to award a contract under this section shall be entitled to judicial
3 review of the decision as provided in chapter 227, subject to the procedural
4 requirements of s. 227.53 (1). A person shall be considered a person aggrieved and
5 directly affected by a decision of the office if any of the following apply to a notice of
6 intent to award a contract under this section:

7 1. The design-builder that received the notice of intent to award a contract was
8 improperly certified as a qualified responsible bidder.

9 2. A mathematical error was made in scoring any of the proposals that resulted
10 in an improper intent to award a contract.

11 3. There is evidence of collusion or fraud involving either the design-builder
12 who received the notice of intent to award a contract or a member of the technical
13 review committee.

14 4. There is evidence of bias of a member of the technical review committee.

15 5. There is evidence that a member of the technical review committee has a
16 conflict of interest because the committee member, a member of his or her immediate
17 family, as defined in s. 19.42 (7), or any organization or business with which the
18 member is associated, as defined in s. 19.42 (2), may benefit from the intent to award
19 a contract.

20 6. The technical proposal or cost proposal submitted by the design-builder who
21 received the notice of intent to award a contract is not responsive to the request for
22 proposals, contains conditions or qualifications not provided for in the request for
23 proposals, or does not assign costs to all services identified in the technical proposal
24 or is otherwise materially unbalanced.

1 (c) If the office prevails upon judicial review, following any protest and
2 appellate court proceedings, the office shall be entitled to recover all costs and
3 charges included in the final order or judgment, excluding attorney's fees. Upon
4 payment of costs and charges by the protester, the bond shall be returned. If the
5 protesting party prevails, the protesting party shall be entitled to recover from the
6 office all costs and charges included in the final order or judgment, excluding
7 attorney's fees. The entire amount of the bond shall be forfeited if the hearing officer
8 determines that a protest was filed for a frivolous or improper purpose, including but
9 not limited to the purpose of harassing, causing unnecessary delay, or causing
10 needless cost for the office or parties.

11 (14) DELIVERABLES. (a) No later than 3 months after the effective date of this
12 section [LRB inserts date], the office shall prepare a report that establishes a
13 program structure for delivering projects as required under this subsection. The
14 report shall specify the types of highway improvement projects to be considered and
15 procedures and timelines for the bid process. The office may not designate a highway
16 improvement project as a design-build project prior to the completion of the report.

17 (b) No later than 6 months after the effective date of this section [LRB inserts
18 date], the office shall prepare a design-build procurement manual that incorporates
19 the requirements under this subsection and any applicable requirements under
20 federal law. The manual shall be created by a committee that includes all of the
21 following members:

- 22 1. The director.
- 23 2. Two employees of the department who represent the division of the
24 department responsible for transportation project development and who each have
25 not less than 5 years of experience in the transportation construction industry.

1 3. One person representing a state association of transportation architectural,
2 engineering, or design companies to be nominated by the governor and appointed
3 with the advice and consent of the senate.

4 4. One person representing a state association of transportation construction
5 companies to be nominated by the governor and appointed with the advice and
6 consent of the senate.

7 5. One person representing a national trade group with a design-build
8 certification program and experience in assisting states with the implementation of
9 a design-build program to be nominated by the governor and appointed with the
10 advice and consent of the senate.

11 (c) No later than December 31, 2026, the office shall submit a report the joint
12 committee on finance and the senate and assembly standing committees having
13 jurisdiction over transportation matters summarizing observations of the process
14 utilized for alternative project delivery methods and describing the effectiveness of
15 the alternative project delivery methods contracting procedures. The report shall
16 include discussion on scope of work, history of projects selected, evaluation criteria,
17 selection process, contract administration, work progression, time and cost
18 comparisons between the traditional contracting method and alternative delivery
19 methods, claims, and changes.

20 (d) No later than 6 months after receipt of the report required under par. (c),
21 the joint committee on finance shall determine whether the alternative project
22 delivery pilot program was successful in providing the department with additional
23 tools that allow innovation, reduced project completion time, cost certainty, or
24 reduced cost or other advantages or benefits and shall make a recommendation to
25 the legislature as to whether the pilot program should be made permanent.”.

1 **485.** Page 673, line 5: delete lines 5 to 10.

2 **486.** Page 673, line 11: delete lines 11 and 12.

3 **487.** Page 674, line 3: after that line insert:

4 “**SECTION 1082m.** 85.061 (3) (a) (intro.) of the statutes is amended to read:

5 85.061 (3) (a) (intro.) The department shall administer a rail passenger route
6 development program. From the ~~appropriation~~ appropriations under s. ss. 20.395
7 (2) (br) and 20.866 (2) (up), the department may fund any of the following:

8 **SECTION 1082p.** 85.061 (3) (b) of the statutes is amended to read:

9 85.061 (3) (b) The department may not use any proceeds from the bond issue
10 authorized under s. 20.866 (2) (up) or the moneys appropriated under s. 20.395 (2)
11 (br) unless the joint committee on finance approves the use of the proceeds or moneys
12 and, with respect to a route under par. (a) 1. or 2., the department submits evidence
13 to the joint committee on finance that Amtrak or the applicable railroad has agreed
14 to provide rail passenger service on that route. The department may contract with
15 Amtrak, railroads or other persons to perform the activities under the program.”.

16 **488.** Page 674, line 3: after that line insert:

17 “**SECTION 1082m.** 85.0203 of the statutes is created to read:

18 **85.0203 Mileage-based fees. (1)** The department shall expend not more
19 than \$2,500,000 to enter into a contract with a firm for the study of, and preparation
20 of a report regarding, the policies, procedures, and operations needed to implement
21 mileage-based fees and for the preparation of a traffic and revenue analysis
22 associated with these fees. No later than December 1, 2022, the firm conducting the
23 study and preparing the analysis under this subsection shall report its findings to
24 the department and the legislature under s. 13.172 (2).

1 (2) No later than January 1, 2023, the department shall submit a
2 recommendation on an implementation plan for a mileage-based fee to the joint
3 committee on finance.

4 (3) The department may implement a mileage-based fee only if the joint
5 committee on finance approves the plan under sub. (2). If the committee modifies and
6 approves the proposed plan, the department may implement a mileage-based fee
7 only as modified by the committee.

8 (4) If the joint committee on finance approves a mileage-based fee plan, the
9 department shall create a division of innovative transportation finance systems that
10 shall administer any mileage-based fee plan imposed under this section. The
11 division shall report directly to the secretary of transportation.”.

12 **489.** Page 674, line 4: delete the material beginning with that line and ending
13 with page 675, line 9.

14 **490.** Page 675, line 9: after that line insert:

15 “**SECTION 1083d.** 85.093 of the statutes is created to read:

16 **85.093 Intermodal freight assistance.** The department may make grants
17 to public or private applicants for intermodal freight facilities that the department
18 determines have a public purpose. In the 2019-21 fiscal biennium, a grant made
19 under this section shall be paid from the appropriation under s. 20.395 (2) (bu). After
20 July 1, 2021, a grant made under this section shall be paid from the appropriation
21 under s. 20.866 (2) (uw). For the 2019-21 fiscal biennium, grants under this section
22 may not exceed \$1,500,000.”.

23 **491.** Page 675, line 14: delete “\$70,613,300” and substitute “\$65,477,800”.

24 **492.** Page 675, line 24: delete “\$18,554,800” and substitute “\$17,205,400”.

1 **493.** Page 676, line 10: delete “\$26,935,400” and substitute “\$24,976,400”.

2 **494.** Page 676, line 17: delete “\$5,707,800” and substitute “\$5,292,700”.

3 **495.** Page 676, line 20: delete the material beginning with that line and
4 ending with page 677, line 4.

5 **496.** Page 677, line 5: delete lines 5 to 17.

6 **497.** Page 677, line 17: after that line insert:

7 “**SECTION 1089m.** 85.64 of the statutes is created to read:

8 **85.64 Office of innovative program delivery. (1)** In this section:

9 (a) “Director” means the director of the office of innovative program delivery
10 attached to the department under s. 15.463 (1).

11 (b) “Office” means the office of innovative program delivery attached to the
12 department under s. 15.463 (1).

13 **(2)** The secretary shall appoint a director who has no fewer than 5 years of
14 experience in design-build project development and delivery specific to public
15 transportation or public infrastructure construction.

16 **(3)** The director shall do all of the following:

17 (a) Perform the duties and functions required under s. 84.062.

18 (b) Employ, supervise, and train personnel assigned to the office by the
19 secretary.

20 (c) Supervise all expenditures of the office.

21 **(4)** The office shall perform the duties and functions required under s. 84.062.”.

22 **498.** Page 677, line 18: delete lines 18 to 25.

1 **499.** Page 678, line 19: delete the material beginning with that line and
2 ending with page 679, line 18, and substitute:

3 **“SECTION 1095m.** 86.31 (3s) of the statutes is created to read:

4 86.31 (3s) DISCRETIONARY SUPPLEMENTAL GRANTS. (a) Funds provided under s.
5 20.395 (2) (fc) shall be distributed under this subsection as discretionary grants to
6 reimburse political subdivisions for improvements. The department shall solicit and
7 provide discretionary grants under this subsection until all funds appropriated
8 under s. 20.395 (2) (fc) have been expended.

9 (b) 1. From the appropriation under s. 20.395 (2) (fc), the department shall
10 allocate \$32,003,200 in fiscal year 2019-20, to fund county trunk highway
11 improvements.

12 2. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
13 \$35,149,400 in fiscal year 2019-20, to fund town road improvements.

14 3. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
15 \$22,847,400 in fiscal year 2019-20, to fund municipal street improvement projects.

16 (c) Notwithstanding sub. (4), a political subdivision may apply to the
17 department under this subsection for reimbursement of not more than 90 percent of
18 eligible costs of an improvement.”.

19 **500.** Page 679, line 18: after that line insert:

20 **“SECTION 1096m.** 86.315 (1) of the statutes is amended to read:

21 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
22 shall annually, on March 10, pay to counties having county forests established under
23 ch. 28, for the improvement of public roads within the county forests which are open
24 and used for travel and which are not state or county trunk highways or town roads

1 and for which no aids are paid under s. 86.30, the amount of ~~\$336~~ \$351 per mile of
2 road designated in the comprehensive county forest land use plan as approved by the
3 county board and the department of natural resources. If the amount appropriated
4 under s. 20.395 (1) (fu) is insufficient to make the payments required under this
5 subsection, the department shall prorate the amount appropriated in the manner it
6 considers desirable.”.

7 **501.** Page 679, line 19: delete lines 19 and 20.

8 **502.** Page 679, line 24: delete the material beginning with that line and
9 ending with page 680, line 5.

10 **503.** Page 680, line 6: delete lines 6 to 18.

11 **504.** Page 680, line 19: delete the material beginning with that line and
12 ending with page 685, line 3.

13 **505.** Page 685, line 4: delete the material beginning with that line and ending
14 with page 688, line 5.

15 **506.** Page 688, line 5: after that line insert:

16 “**SECTION 1103m.** 101.02 (7y) of the statutes is created to read:

17 101.02 (7y) (a) In this subsection, “quarry” has the meaning given in s.
18 66.04135 (2) (c).

19 (b) Notwithstanding sub. (7) (a), and except as provided in this subsection and
20 s. 66.04135 (3) (c), no city, village, town, or county may make or enforce a local order
21 that limits blasting at a quarry.

22 (c) A city, village, town, or county may petition the department for an order
23 granting the city, village, town, or county the authority to impose additional
24 restrictions and requirements related to blasting on the operator of a quarry. If a city,

1 village, town, or county submits a petition under this paragraph because of concerns
2 regarding the potential impact of blasting on a qualified historic building, as defined
3 in s. 101.121 (2) (c), the department may require the operator of the quarry to pay
4 the costs of an impact study related to the qualified historic building.

5 (d) If the department issues an order under this subsection, the order may
6 grant the city, village, town, or county the authority to impose restrictions and
7 requirements related to blasting at the quarry that are more restrictive than the
8 requirements under s. 101.15 related to blasting and rules promulgated by the
9 department under s. 101.15 (2) (e) related to blasting.

10 (e) The department may not charge a fee to a city, village, town, or county in
11 connection with a petition submitted under par. (c).”

12 **507.** Page 688, line 6: delete lines 6 to 21.

13 **508.** Page 688, line 22: delete the material beginning with that line and
14 ending with page 689, line 2.

15 **510.** Page 689, line 13: delete the material beginning with that line and
16 ending with page 729, line 7.

17 **511.** Page 729, line 8: delete lines 8 to 14.

18 **512.** Page 729, line 15: delete the material beginning with that line and
19 ending with page 741, line 2.

20 **513.** Page 741, line 3: delete lines 3 to 14.

21 **514.** Page 741, line 15: delete that line.

22 **515.** Page 741, line 16: delete the material beginning with that line and
23 ending with page 742, line 9.

1 **516.** Page 742, line 10: delete lines 10 to 16.

2 **517.** Page 742, line 17: delete lines 17 to 23.

3 **518.** Page 742, line 24: delete that line.

4 **519.** Page 742, line 25: delete the material beginning with that line and
5 ending with page 745, line 19.

6 **520.** Page 745, line 20: delete that line.

7 **521.** Page 745, line 21: delete the material beginning with that line and
8 ending with page 746, line 5.

9 **522.** Page 746, line 6: delete that line.

10 **523.** Page 746, line 7: delete the material beginning with that line and ending
11 with page 769, line 11.

12 **524.** Page 769, line 12: delete lines 12 to 18.

13 **525.** Page 769, line 19: delete lines 19 to 23.

14 **526.** Page 769, line 24: delete the material beginning with that line and
15 ending with page 777, line 5.

16 **527.** Page 777, line 6: delete lines 6 to 15.

17 **528.** Page 777, line 16: delete that line.

18 **529.** Page 777, line 16: after that line insert:

19 “**SECTION 1325d.** 106.27 (1j) (title) of the statutes is amended to read:

20 106.27 (1j) (title) WORKFORCE TRAINING PROGRAM; GRANTS FOR MOBILE CLASSROOMS

21 AND INSTITUTIONAL JOB CENTERS.

22 **SECTION 1325h.** 106.27 (1j) (a) of the statutes is amended to read:

1 106.27 (1j) (a) Of the amounts appropriated under s. 20.445 (1) (b), the
2 department shall allocate up to ~~\$1,000,000~~ \$200,000 in the 2019-20 fiscal year and
3 \$320,000 in the 2020-21 fiscal year for grants to the department of corrections to
4 fund the creation and operation of mobile classrooms.

5 **SECTION 1325p.** 106.27 (1j) (ad) of the statutes is created to read:

6 106.27 (1j) (ad) In this paragraph, “eligible institution” means a minimum
7 security correctional institution or a medium security prison. Of the amounts
8 appropriated under s. 20.445 (1) (b), the department shall allocate \$225,000 in the
9 2019-20 fiscal year for grants to the department of corrections to fund the creation
10 and operation of institutional job centers at 6 eligible institutions and \$262,500 in
11 the 2020-21 fiscal year for grants to the department of corrections to fund the
12 creation and operation of institutional job centers at 7 eligible institutions. The
13 department of corrections may not use a grant under this paragraph to fund the
14 creation and operation of more than one institutional job center at any eligible
15 institution.”.

16 **530.** Page 777, line 16: after that line insert:

17 “**SECTION 1325m.** 106.18 of the statutes is amended to read:

18 **106.18 Youth summer jobs programs in ~~1st class cities~~.** From the
19 appropriation account under s. 20.445 (1) (fm), the department shall implement and
20 operate youth summer jobs programs in ~~1st class cities~~ this state.”.

21 **531.** Page 777, line 16: after that line insert:

22 “**SECTION 1325r.** 106.27 (1) (g) of the statutes is created to read:

23 106.27 (1) (g) Grants for programs that promote the attraction and retention
24 of personal care workers.”.

- 1 **532.** Page 777, line 19: after “in” insert “each year of”.
- 2 **533.** Page 777, line 24: delete that line.
- 3 **534.** Page 777, line 25: delete the material beginning with that line and
4 ending with page 778, line 17.
- 5 **535.** Page 778, line 18: delete the material beginning with that line and
6 ending with page 780, line 7.
- 7 **537.** Page 780, line 8: delete that line.
- 8 **538.** Page 780, line 9: delete lines 9 to 25.
- 9 **539.** Page 781, line 1: delete lines 1 to 6.
- 10 **540.** Page 781, line 7: delete lines 7 to 23.
- 11 **541.** Page 781, line 24: delete that line.
- 12 **544.** Page 781, line 25: delete the material beginning with that line and
13 ending with page 782, line 15.
- 14 **545.** Page 782, line 16: delete the material beginning with that line and
15 ending with page 785, line 5.
- 16 **547.** Page 785, line 14: delete lines 14 to 16.
- 17 **548.** Page 785, line 17: delete that line.
- 18 **549.** Page 785, line 18: delete the material beginning with that line and
19 ending with page 787, line 4.
- 20 **550.** Page 787, line 5: delete that line.
- 21 **551.** Page 787, line 6: delete the material beginning with that line and ending
22 with page 789, line 25.

- 1 **552.** Page 790, line 1: delete lines 1 to 10.
- 2 **553.** Page 790, line 11: delete lines 11 to 15.
- 3 **554.** Page 790, line 16: delete the material beginning with that line and
4 ending with page 791, line 8.
- 5 **555.** Page 791, line 9: delete the material beginning with that line and ending
6 with page 792, line 14.
- 7 **556.** Page 792, line 15: delete lines 15 to 24.
- 8 **557.** Page 792, line 25: delete the material beginning with that line and
9 ending with page 794, line 3.
- 10 **558.** Page 794, line 4: delete lines 4 to 20.
- 11 **559.** Page 794, line 21: delete the material beginning with that line and
12 ending with page 795, line 12.
- 13 **560.** Page 795, line 13: delete lines 13 to 20.
- 14 **561.** Page 795, line 21: delete the material beginning with that line and
15 ending with page 796, line 8.
- 16 **562.** Page 796, line 24: delete the material beginning with that line and
17 ending with page 797, line 22.
- 18 **563.** Page 797, line 23: delete that line.
- 19 **564.** Page 797, line 24: delete the material beginning with that line and
20 ending with page 801, line 15.
- 21 **565.** Page 801, line 16: delete the material beginning with that line and
22 ending with page 803, line 21.

1 **566.** Page 803, line 22: delete the material beginning with that line and
2 ending with page 804, line 11.

3 **567.** Page 804, line 12: delete the material beginning with that line and
4 ending with page 805, line 22.

5 **568.** Page 805, line 23: delete the material beginning with that line and
6 ending with page 806, line 11.

7 **569.** Page 806, line 12: delete lines 12 to 23.

8 **570.** Page 806, line 24: delete that line.

9 **571.** Page 806, line 25: delete that line.

10 **572.** Page 807, line 1: delete lines 1 to 9.

11 **573.** Page 807, line 10: delete lines 10 to 15.

12 **574.** Page 807, line 16: delete lines 16 to 21.

13 **575.** Page 807, line 22: delete the material beginning with that line and
14 ending with page 808, line 5.

15 **576.** Page 808, line 6: delete lines 6 to 17.

16 **577.** Page 808, line 23: delete the material beginning with that line and
17 ending with page 809, line 3.

18 **578.** Page 809, line 4: delete lines 4 to 9.

19 **579.** Page 809, line 10: delete the material beginning with that line and
20 ending with page 810, line 8.

21 **580.** Page 810, line 8: after that line insert:

22 “SECTION 1425f. 115.343 (1) of the statutes is amended to read:

1 115.343 (1) The department shall establish a school day milk program. A
2 public, private, or tribal school participating in the program shall offer each eligible
3 child one half-pint of Wisconsin-produced whole milk, 2 percent milk, 1.5 percent
4 milk, one percent milk, 0.5 percent milk, skim milk or chocolate milk on each day in
5 which school is in session. If a child is allergic to milk or has metabolic disorders or
6 other conditions which prohibit him or her from drinking milk, the child shall be
7 offered juice as a substitute. Any school that participates in the program is
8 encouraged to consider bids from local milk suppliers. The school shall keep all
9 information related to the identity of the pupils who receive a beverage under the
10 program confidential. In this subsection, "Wisconsin-produced" means that all or
11 part of the raw milk used by the milk processor was produced in this state. In this
12 section, "public, private, or tribal school" includes a charter school under s. 118.40
13 (2r) or (2x), the program under s. 115.52, the center under s. 115.525, or a residential
14 care center for children and youth, as defined in s. 115.76 (14g)."

15 **581.** Page 810, line 9: delete lines 9 to 21.

16 **582.** Page 810, line 22: delete the material beginning with that line and
17 ending with page 811, line 2.

18 **583.** Page 811, line 3: delete the material beginning with that line and ending
19 with page 813, line 14.

20 **584.** Page 813, line 14: after that line insert:

21 "SECTION 1437p. 115.375 of the statutes is created to read:

22 **115.375 Grants for robot-assisted educational programs for pupils**
23 **with autism.** (1) A cooperative educational service agency may apply to the
24 department for a grant for the purpose of implementing a program that uses all of

1 the following to teach social and behavioral skills to pupils with autism spectrum
2 disorder:

- 3 (a) Interactive, facially-expressive humanoid robots.
- 4 (b) A curriculum with embedded evidence-based practices.
- 5 (c) Visual supports.
- 6 (d) Video modeling.
- 7 (e) An automated data collection system.
- 8 (f) A comprehensive curriculum facilitator.
- 9 (g) A pupil activity manual with extension activities.

10 (2) A cooperative educational service agency shall include with an application
11 under sub. (1) a proposal outlining the intended use of grant moneys and an estimate
12 of the number of pupils who will be served by the program described under sub. (1).

13 (3) From the appropriation under s. 20.255 (2) (bi), the department shall award
14 grants under sub. (1) to cooperative educational service agencies in amounts
15 determined by the department.

16 (4) A cooperative educational service agency that receives a grant under this
17 section shall use the grant moneys to develop, implement, and provide the program
18 described under sub. (1) and to purchase robotic devices and curriculum with proven
19 effectiveness for aiding in the academic, social, and emotional learning of pupils with
20 autism spectrum disorder. The cooperative educational service agency shall ensure
21 that a licensed special education teacher is present at the location where the program
22 is provided.”.

23 **585.** Page 813, line 15: delete the material beginning with that line and
24 ending with page 814, line 2.

1 **586.** Page 814, line 9: delete the material beginning with that line and ending
2 with page 815, line 5.

3 **587.** Page 815, line 6: delete the material beginning with that line and ending
4 with page 817, line 2.

5 **588.** Page 817, line 3: delete the material beginning with that line and ending
6 with page 818, line 18.

7 **589.** Page 818, line 25: delete the material beginning with that line and
8 ending with page 819, line 2, and substitute “the 2017-18 school year, by \$654 in the
9 2018-19 school year, by \$679 in the subsequent school year, and by ~~\$630~~ in each
10 school year thereafter by \$704. The department shall make the payments from the
11 appropriation under s. 20.255 (2) (aq).”.

12 **590.** Page 819, line 3: delete lines 3 to 16.

13 **591.** Page 819, line 16: after that line insert:

14 “**SECTION 1464f.** 115.439 of the statutes is created to read:

15 **115.439 Supplemental per pupil aid. (1) DEFINITIONS.** In this section:

16 (a) “Membership” means the membership used by the department to calculate
17 a school district’s aid under s. 121.08 in the current school year.

18 (b) “Number of pupils enrolled” has the meaning given in s. 115.437.

19 (c) “State aid” means aid under ss. 121.08, 121.09, and 121.105 and subch. VI,
20 as calculated for the current school year on October 15 under s. 121.15 (4) and
21 including adjustments made under s. 121.15 (4).

22 **(2) ELIGIBILITY.** (a) A school district is eligible for aid under this section if the
23 amount calculated under par. (b) is less than the amount calculated under par. (c).

24 (b) Divide the school district’s state aid by the school district’s membership.

1 (c) Subtract the per pupil amount under s. 115.437 (2) (a) for the current school
2 year from \$1,000.

3 (3) AID PAYMENTS. (a) Beginning in the 2019-20 school year and subject to par.
4 (b), annually on the 4th Monday of March, the department shall pay to each eligible
5 school district an amount calculated as follows:

6 1. Subtract the amount calculated for the eligible school district under sub. (2)
7 (b) from the amount calculated under sub. (2) (c).

8 2. Multiply the difference determined under subd. 1. by the average of the
9 number of pupils enrolled in the school district in the current and 2 preceding school
10 years.

11 (b) The department shall make the payments under par. (a) from the
12 appropriation under s. 20.255 (2) (ap). If the appropriation under s. 20.255 (2) (ap)
13 in any fiscal year is insufficient to pay the full amount under par. (a), the department
14 shall prorate the payments among the school districts entitled to aid under this
15 subsection.”.

16 **592.** Page 819, line 17: delete lines 17 to 22.

17 **593.** Page 819, line 23: delete the material beginning with that line and
18 ending with page 823, line 8.

19 **594.** Page 824, line 1: delete the material beginning with that line and ending
20 with page 835, line 5, and substitute:

21 **“SECTION 1475f.** 115.455 (1) (b) of the statutes is amended to read:

22 115.455 (1) (b) The department shall accept applications from entities
23 responding to the request-for-proposal under par. (a) and shall, in the 2017-18 and

1 ~~2018–19 school years~~, from the appropriation under s. 20.255 (2) (eb), award a grant
2 to an entity that, subject to sub. (3), satisfies the requirements under sub. (2).”

3 **617.** Page 835, line 8: delete the material beginning with that line and ending
4 with page 891, line 4.