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1 (3) (a) Annually, on or before October 1, the department of revenue shall notify
2 each municipality that is eligible to receive a payment under this section of the
3 amount of the payment that the municipality shall receive in the following year.

4 (b) The department of revenue shall certify the amount of the payment due to
5 each taxing jurisdiction under sub. (1) to the department of administration, and the
6 department of administration shall make the payment on or before the 4th Monday
7 in July.

8 **SECTION 1078.** 84.013 (3) (af) of the statutes is created to read:

9 84.013 (3) (af) I 43 extending approximately 14.3 miles between Silver Spring
10 Drive in the city of Glendale and STH 60 in the village of Grafton, in Milwaukee and
11 Ozaukee counties.

12 **SECTION 1078d.** 84.013 (3) (b) of the statutes is created to read:

13 84.013 (3) (b) I 41 extending approximately 23 miles between STH 96 in the
14 town of Grand Chute and CTH "F" in the town of Lawrence, in Brown and Outagamie
15 counties, including all interchanges, and including work on local roads as necessary
16 for the completion of the project. As a component of this project, the department shall
17 construct an interchange of I 41 and local highways near the intersection of
18 Southbridge Road/French Road and Creamery Road in Brown County.

19 **SECTION 1079.** 84.016 (2) of the statutes is amended to read:

20 84.016 (2) Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95,
21 but subject to s. 86.255, this state's share of costs for any major interstate bridge
22 project, including preliminary design work for the project, may be funded only from
23 the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

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

25 **84.062 Alternative project delivery. (1) DEFINITIONS.** In this section:

1 (a) "Alternative technical concepts" means a proposed alternative to the
2 technical requirements provided by the office in the request for proposals for a
3 project.

4 (b) "Best value design-build contract" means a design-build contract award
5 made following a calculation of value as provided in a request for proposals.

6 (c) "Design-build contract" means a contract for a project under which the
7 design, engineering, construction, and related services are provided by a single
8 design-builder.

9 (d) "Design-builder" means a private legal entity, consortium, or joint venture
10 that proposes to or executes a contract with the office to design, engineer, and
11 construct a project under this section.

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

16 (f) "Design professional" means a person registered under s. 443.03 or 443.04
17 or a firm, partnership, or corporation registered under s. 443.08.

18 (g) "Director" means the director of the office of innovative program delivery
19 attached to the department under s. 15.463 (1).

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

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

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

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

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

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

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

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

✓16 (p) "Technical review committee" means the committee appointed under sub.
17 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) No more than 6 months following the completion of a design-build project
20 designated under this subsection, the office shall prepare a report, with input from
21 the design-builder and the technical review committee, detailing the project, the
22 decision to designate the project as a design-build project, the type of design-build
23 contract let, and recommendations for statutory changes, if any. The office shall
24 provide this report to the joint committee on finance and the senate and assembly
25 standing committees having jurisdiction over transportation matters. The senate

1 and assembly standing committees having jurisdiction over transportation matters
2 shall schedule a hearing on the report not more than 30 days following distribution
3 of the report by the chief clerks of the senate and the assembly. This paragraph does
4 not apply to projects completed after December 31, 2025.

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

8 1. An employee of the department representing a regional office of the
9 department who has at least 5 years of experience in the transportation construction
10 industry.

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

14 3. One person representing a state association of architectural, engineering, or
15 design companies.

16 4. One person representing a state association of transportation construction
17 companies.

18 (b) The secretary may not appoint to the technical review committee any person
19 associated, as defined in s. 19.42 (2), with a design-builder. No person appointed to
20 the technical review committee may review proposals under this section when the
21 proposed project could benefit the appointee or the appointee's immediate family, as
22 defined in s. 19.42 (7).

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

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

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

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

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

13 a. The design and construction experience of the design-builder or member,
14 personnel, and contractors who will manage the design, engineering, and
15 construction aspects of the project. The office may not require a level of experience
16 that will unreasonably restrict competition.

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

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

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

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

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

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

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

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

21 e. The design-builder or a member is not on a list maintained by the
22 department identifying persons ineligible to bid due to suspension or debarment or
23 on a list that the department of administration maintains for persons who violated
24 statutory provisions or administrative rules relating to construction.

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

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

4 h. The design-builder can provide information to the technical review
5 committee upon request about ownership, management, and control of the
6 design-builder.

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

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

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

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

17 a. The type of contract to be awarded.

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

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

20 d. The required completion date of the project.

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

22 (b) The office shall advertise the request for qualifications by publication of a
23 class 1 notice, as defined in s. 985.07 (1), in the official state newspaper and on the
24 department's Internet site. The office may place similar notices in publications likely
25 to inform potential bidders of the project. The office shall issue a request for

1 qualifications or provide information as to where the request for qualifications may
2 be obtained to any person, without regard to the qualifications of the person. The
3 office shall include in all advertisements under this paragraph the location and scope
4 of work, the amount of bid guarantee required, the date, time, and place of bid or
5 proposal opening, and the date when and place where plans will be available.

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

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

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

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

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

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

21 5. A clear description of the scope of all design, engineering, and construction
22 work.

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

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

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

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

6 10. Requirements relating to performance bonds, payments bonds, and
7 insurance.

8 11. Amount of stipend, if any.

9 12. The procedures for awarding a contract.

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

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

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

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

20 1. For a project that will be awarded as either a low bid design-build contract
21 or a fixed price variable scope design-build contract, the technical review committee
22 shall determine whether technical proposals are responsive to the request for
23 proposals without ranking or scoring the proposals.

24 2. For a project that will be awarded as a best value design-build contract, the
25 technical review committee shall determine whether technical proposals are

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

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

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

19 (e) The office shall notify the design-builder for each proposal that is
20 determined to be responsive under par. (b) that the design-builder may submit a cost
21 proposal under par. (7). The office shall reject all proposals that are determined to
22 be nonresponsive under par. (b).

23 **(7) COST PROPOSALS.** (a) Design-builders notified under sub. (6) (e) may submit
24 a cost proposal and the proposal shall include a fixed cost of design, engineering, and
25 construction services prepared by a design professional that contains all design,

1 engineering, construction, and quality assurance and quality control costs of the
2 project.

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

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

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

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

19 3. For a best value design-build contract, the contract shall be awarded to the
20 qualified responsible bidder with the highest adjusted score, which shall be
21 calculated by adding the bidder's technical proposal score to the bidder's cost
22 proposal score. The technical review committee shall award the lowest qualified
23 responsible bidder the maximum number of points that may be awarded to a cost
24 proposal under the request for proposals, but not less than 45 percent and not more
25 than 75 percent of the maximum number of combined points that may be awarded

1 to a technical proposal and cost proposal. For each remaining qualified responsible
2 bidder, the technical review committee shall calculate the score for the cost proposal
3 by reducing the maximum number of points that may be awarded to the cost proposal
4 by at least 1 percent for each percentage point by which the cost proposal exceeds the
5 lowest cost proposal.

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

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

18 (f) The department and the technical review committee shall maintain the
19 confidentiality of information provided by design-builders as required by s. 84.01
20 (32).

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

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

1 2. “Specialty services” means work related to sanitary sewer systems, water
2 main systems, staking, electrical, landscaping and erosion control, traffic control,
3 signing, pavement marking, fencing, and other work identified by the office.

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

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

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

20 **(9) PROJECT DELIVERY.** An individual identified in a response to a request for
21 qualifications or in a technical proposal may be replaced by a design-builder if the
22 office determines that the new individual meets the qualifications described in the
23 response to the request for qualifications or in the technical proposal and that the
24 individual’s qualifications are at least equal to the qualifications of the individual
25 being replaced.

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

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

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

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

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

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

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

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

1 **(12) RULES.** The department may promulgate rules necessary to implement
2 this section.

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

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

12 2. The request does not comply with procedural requirements under this
13 section.

14 3. The request contains material errors or omissions.

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

17 5. The request indicates a bias against or preference for a specific
18 design-builder.

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

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

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

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

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

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

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

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

(c) If the office prevails upon judicial review, following any protest and appellate court proceedings, the office shall be entitled to recover all costs and charges included in the final order or judgment, excluding attorney's fees. Upon payment of costs and charges by the protester, the bond shall be returned. If the protesting party prevails, the protesting party shall be entitled to recover from the office all costs and charges included in the final order or judgment, excluding attorney's fees. The entire amount of the bond shall be forfeited if the hearing officer

1 determines that a protest was filed for a frivolous or improper purpose, including but
2 not limited to the purpose of harassing, causing unnecessary delay, or causing
3 needless cost for the office or parties.

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

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

15 1. The director.

16 2. Two employees of the department who represent the division of the
17 department responsible for transportation project development and who each have
18 not less than 5 years of experience in the transportation construction industry.

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

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

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

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

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

20 **SECTION 1082.** 84.59 (6) of the statutes is amended to read:

21 84.59 (6) The building commission may contract revenue obligations when it
22 reasonably appears to the building commission that all obligations incurred under
23 this section can be fully paid from moneys received or anticipated and pledged to be
24 received on a timely basis. Except as provided in this subsection, the principal
25 amount of revenue obligations issued under this section may not exceed

1 \$4,055,372,900 ~~\$4,197,627,500~~, excluding any obligations that have been defeased
2 under a cash optimization program administered by the building commission, to be
3 used for transportation facilities under s. 84.01 (28) and major highway projects for
4 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
5 amount, the building commission may contract revenue obligations under this
6 section as the building commission determines is desirable to refund outstanding
7 revenue obligations contracted under this section, to make payments under
8 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
9 to revenue obligations issued under this section, and to pay expenses associated with
✓10 revenue obligations contracted under this section.

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

12 85.061 (3) (a) (intro.) The department shall administer a rail passenger route
13 development program. From the ~~appropriation~~ appropriations under s. ss. 20.395
14 (2) (br) and 20.866 (2) (up), the department may fund any of the following:

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

16 85.061 (3) (b) The department may not use any proceeds from the bond issue
17 authorized under s. 20.866 (2) (up) or the moneys appropriated under s. 20.395 (2)
18 (br) unless the joint committee on finance approves the use of the proceeds or moneys
19 and, with respect to a route under par. (a) 1. or 2., the department submits evidence
20 to the joint committee on finance that Amtrak or the applicable railroad has agreed
21 to provide rail passenger service on that route. The department may contract with
✓22 Amtrak, railroads or other persons to perform the activities under the program.

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

24 **85.0203 Mileage-based fees. (1)** The department shall expend not more
25 than \$2,500,000 to enter into a contract with a firm for the study of, and preparation

1 of a report regarding, the policies, procedures, and operations needed to implement
2 mileage-based fees and for the preparation of a traffic and revenue analysis
3 associated with these fees. No later than December 1, 2022, the firm conducting the
4 study and preparing the analysis under this subsection shall report its findings to
5 the department and the legislature under s. 13.172 (2).

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

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

13 (4) If the joint committee on finance approves a mileage-based fee plan, the
14 department shall create a division of innovative transportation finance systems that
15 shall administer any mileage-based fee plan imposed under this section. The
✓16 division shall report directly to the secretary of transportation.

17✓ **SECTION 1083d.** 85.093 of the statutes is created to read:

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

25 **SECTION 1084.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

1 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the
2 department shall pay ~~\$61,724,900 for aid payable for calendar years 2012 to 2014~~
3 ~~and \$64,193,900 for aid payable for calendar year years 2015 to 2019 and~~
4 ~~\$65,477,800 for calendar year 2020~~ and thereafter, to the eligible applicant that pays
5 the local contribution required under par. (b) 1. for an urban mass transit system that
6 has annual operating expenses of \$80,000,000 or more. If the eligible applicant that
7 receives aid under this subd. 6. cm. is served by more than one urban mass transit
8 system, the eligible applicant may allocate the aid between the urban mass transit
9 systems in any manner the eligible applicant considers desirable.

10 **SECTION 1085.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

11 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the
12 department shall pay ~~\$16,219,200 for aid payable for calendar years 2012 to 2014~~
13 ~~and \$16,868,000 for aid payable for calendar year years 2015 to 2019 and~~
14 ~~\$17,205,400 for calendar year 2020~~ and thereafter, to the eligible applicant that pays
15 the local contribution required under par. (b) 1. for an urban mass transit system that
16 has annual operating expenses in excess of \$20,000,000 but less than \$80,000,000.
17 If the eligible applicant that receives aid under this subd. 6. d. is served by more than
18 one urban mass transit system, the eligible applicant may allocate the aid between
19 the urban mass transit systems in any manner the eligible applicant considers
20 desirable.

21 **SECTION 1086.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

22 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
23 amounts for aids are ~~\$23,267,200 in calendar years 2012 and 2013, \$23,544,900 in~~
24 ~~calendar year 2014, and \$24,486,700 in calendar year years 2015 to 2019 and~~
25 ~~\$24,976,400 in calendar year 2020~~ and thereafter. These amounts, to the extent

1 practicable, shall be used to determine the uniform percentage in the particular
2 calendar year.

3 **SECTION 1087.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

4 85.20 (4m) (a) 8. b. For the purpose of making allocations under subd. 8. a., the
5 amounts for aids are ~~\$5,267,000 in calendar years 2012 and 2013, \$4,989,300 in~~
6 ~~calendar year 2014, and \$5,188,900 in calendar year years 2015 to 2019 and~~
7 \$5,292,700 in calendar year 2020 and thereafter. These amounts, to the extent
8 practicable, shall be used to determine the uniform percentage in the particular
9 calendar year.

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

11 **85.64 Office of innovative program delivery. (1)** In this section:

12 (a) "Director" means the director of the office of innovative program delivery
13 attached to the department under s. 15.463 (1).

14 (b) "Office" means the office of innovative program delivery attached to the
15 department under s. 15.463 (1).

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

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

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

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

23 (c) Supervise all expenditures of the office.

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

25 **SECTION 1091.** 86.30 (2) (a) 3. of the statutes is amended to read:

1 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
2 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$2,202~~
3 ~~\$2,389~~ in calendar year ~~2017~~ 2019 and ~~\$2,389~~ ~~\$2,628~~ in calendar year ~~2018~~ 2020 and
4 thereafter.

5 **SECTION 1092.** 86.30 (9) (b) of the statutes is amended to read:

6 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
7 the amounts for aids to counties are ~~\$98,400,200~~ \$111,093,800 in calendar year ~~2017~~
8 2019 and ~~\$111,093,800~~ \$122,203,200 in calendar year ~~2018~~ 2020 and thereafter.
9 These amounts, to the extent practicable, shall be used to determine the statewide
10 county average cost-sharing percentage in the particular calendar year.

11 **SECTION 1093.** 86.30 (9) (c) of the statutes is amended to read:

12 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
13 the amounts for aids to municipalities are ~~\$321,260,500~~ \$348,639,300 in calendar
14 year ~~2017~~ 2019 and ~~\$348,639,300~~ \$383,503,200 in calendar year ~~2018~~ 2020 and
15 thereafter. These amounts, to the extent practicable, shall be used to determine the
16 statewide municipal average cost-sharing percentage in the particular calendar
17 year.

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

19 86.31 (3s) DISCRETIONARY SUPPLEMENTAL GRANTS. (a) Funds provided under s.
20 20.395 (2) (fc) shall be distributed under this subsection as discretionary grants to
21 reimburse political subdivisions for improvements. The department shall solicit and
22 provide discretionary grants under this subsection until all funds appropriated
23 under s. 20.395 (2) (fc) have been expended.

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

4 2. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
5 \$35,149,400 in fiscal year 2019-20, to fund town road improvements.

6 3. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
7 \$22,847,400 in fiscal year 2019-20, to fund municipal street improvement projects.

8 (c) Notwithstanding sub. (4), a political subdivision may apply to the
9 department under this subsection for reimbursement of not more than 90 percent of
✓10 eligible costs of an improvement.

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

12 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
13 shall annually, on March 10, pay to counties having county forests established under
14 ch. 28, for the improvement of public roads within the county forests which are open
15 and used for travel and which are not state or county trunk highways or town roads
16 and for which no aids are paid under s. 86.30, the amount of \$336 ~~\$351~~ per mile of
17 road designated in the comprehensive county forest land use plan as approved by the
18 county board and the department of natural resources. If the amount appropriated
19 under s. 20.395 (1) (fu) is insufficient to make the payments required under this
20 subsection, the department shall prorate the amount appropriated in the manner it
✓21 considers desirable.

22 **SECTION 1098.** 93.06 (16) of the statutes is created to read:

23 93.06 (16) FARMER MENTAL HEALTH ASSISTANCE. Provide mental health
✓24 assistance to farmers and farm families.

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

1 101.02 (7y) (a) In this subsection, “quarry” has the meaning given in s.
2 66.04135 (2) (c).

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

6 (c) A city, village, town, or county may petition the department for an order
7 granting the city, village, town, or county the authority to impose additional
8 restrictions and requirements related to blasting on the operator of a quarry. If a city,
9 village, town, or county submits a petition under this paragraph because of concerns
10 regarding the potential impact of blasting on a qualified historic building, as defined
11 in s. 101.121 (2) (c), the department may require the operator of the quarry to pay
12 the costs of an impact study related to the qualified historic building.

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

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

20 **SECTION 1110.** 102.07 (20) of the statutes is amended to read:

21 102.07 (20) An individual who is performing services for a person participating
22 in the self-directed services option, as defined in s. 46.2897 (1), for a person receiving
23 long-term care benefits under s. ~~46.27~~, 46.275, or 46.277 or under any children’s
24 long-term support waiver program on a self-directed basis, or for a person receiving
25 the Family Care benefit, as defined in s. 46.2805 (4), or benefits under the Family

1 Care Partnership program, as described in s. 49.496 (1) (bk) 3., on a self-directed
2 basis and who does not otherwise have worker's compensation coverage for those
3 services is considered to be an employee of the entity that is providing financial
4 management services for that person.

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

6 106.27 (1j) (title) WORKFORCE TRAINING PROGRAM; GRANTS FOR MOBILE CLASSROOMS
7 AND INSTITUTIONAL JOB CENTERS.

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

9 106.27 (1j) (a) Of the amounts appropriated under s. 20.445 (1) (b), the
10 department shall allocate up to \$1,000,000 \$200,000 in the 2019-20 fiscal year and
11 \$320,000 in the 2020-21 fiscal year for grants to the department of corrections to
12 fund the creation and operation of mobile classrooms.

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

14 106.27 (1j) (ad) In this paragraph, "eligible institution" means a minimum
15 security correctional institution or a medium security prison. Of the amounts
16 appropriated under s. 20.445 (1) (b), the department shall allocate \$225,000 in the
17 2019-20 fiscal year for grants to the department of corrections to fund the creation
18 and operation of institutional job centers at 6 eligible institutions and \$262,500 in
19 the 2020-21 fiscal year for grants to the department of corrections to fund the
20 creation and operation of institutional job centers at 7 eligible institutions. The
21 department of corrections may not use a grant under this paragraph to fund the
22 creation and operation of more than one institutional job center at any eligible
23 institution.

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

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

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

5 106.27 (1) (g) Grants for programs that promote the attraction and retention
6 of personal care workers. .

7 **SECTION 1326.** 106.27 (1u) of the statutes is created to read:

8 106.27 (1u) SHIPBUILDERS; TRAINING GRANTS. From the appropriation under s.
9 20.445 (1) (b), [#]ineach year of the 2019-21 fiscal biennium, the department shall
10 allocate \$1,000,000 for grants to shipbuilders in this state to train new and current
11 employees. A shipbuilder that receives a grant under this subsection shall expend
12 all grant moneys before July 1, 2021, for purposes of training new and current
13 employees.

14 **SECTION 1354.** 108.02 (13) (k) of the statutes is amended to read:

15 108.02 (13) (k) "Employer" does not include a county department, an aging
16 unit, or, under s. 46.2785, a private agency that serves as a fiscal agent or contracts
17 with a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i), 46.272 (7)
18 (e), or 47.035 as to any individual performing services for a person receiving
19 long-term support services under s. ~~46.27 (5) (b)~~, 46.272 (7) (b), 46.275, 46.277,
20 46.278, 46.2785, 46.286, 46.495, 51.42, or 51.437 or personal assistance services
21 under s. 47.02 (6) (c).

22 **SECTION 1387.** 108.22 (10) of the statutes is amended to read:

23 108.22 (10) A private agency that serves as a fiscal agent under s. 46.2785 or
24 contracts with a fiscal intermediary to serve as a fiscal agent under s. ~~46.27 (5) (i)~~,
25 46.272 (7) (e), or 47.035 as to any individual performing services for a person

1 receiving long-term support services under s. 46.27 (5) (b), 46.272 (7) (b), 46.275,
2 46.277, 46.278, 46.2785, 46.286, 46.495, 51.42, or 51.437 or personal assistance
3 services under s. 47.02 (6) (c) may be found jointly and severally liable for the
4 amounts owed by the person under this chapter, if, at the time the person's quarterly
5 report is due under this chapter, the private agency served as a fiscal agent for the
6 person. The liability of the agency as provided in this subsection survives
7 dissolution, reorganization, bankruptcy, receivership, assignment for the benefit of
8 creditors, judicially confirmed extension or composition, or any analogous situation
9 of the person and shall be set forth in a determination or decision issued under s.
10 108.10. An appeal or review of a determination under this subsection shall not
✓11 include an appeal or review of determinations of amounts owed by the person.

12 **SECTION 1421.** 115.28 (65) of the statutes is amended to read:

13 115.28 (65) WISCONSIN READING CORPS. ~~In the 2017-18 and 2018-19 school~~
14 ~~years,~~ Annually distribute the amounts appropriated under s. 20.255 (3) (fr) to
15 Wisconsin Reading Corps to provide one-on-one tutoring if Wisconsin Reading
✓16 Corps provides matching funds of \$250,000 in each school year.

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

18 115.343 (1) The department shall establish a school day milk program. A
19 public, private, or tribal school participating in the program shall offer each eligible
20 child one half-pint of Wisconsin-produced whole milk, 2 percent milk, 1.5 percent
21 milk, one percent milk, 0.5 percent milk, skim milk or chocolate milk on each day in
22 which school is in session. If a child is allergic to milk or has metabolic disorders or
23 other conditions which prohibit him or her from drinking milk, the child shall be
24 offered juice as a substitute. Any school that participates in the program is
25 encouraged to consider bids from local milk suppliers. The school shall keep all

1 information related to the identity of the pupils who receive a beverage under the
2 program confidential. In this subsection, “Wisconsin-produced” means that all or
3 part of the raw milk used by the milk processor was produced in this state. In this
4 section, “public, private, or tribal school” includes a charter school under s. 118.40
5 (2r) or (2x), the program under s. 115.52, the center under s. 115.525, or a residential
6 care center for children and youth, as defined in s. 115.76 (14g).

7 **SECTION 1437p.** 115.375 of the statutes is created to read:

8 **115.375 Grants for robot-assisted educational programs for pupils**
9 **with autism.** (1) A cooperative educational service agency may apply to the
10 department for a grant for the purpose of implementing a program that uses all of
11 the following to teach social and behavioral skills to pupils with autism spectrum
12 disorder:

13 (a) Interactive, facially-expressive humanoid robots.

14 (b) A curriculum with embedded evidence-based practices.

15 (c) Visual supports.

16 (d) Video modeling.

17 (e) An automated data collection system.

18 (f) A comprehensive curriculum facilitator.

19 (g) A pupil activity manual with extension activities.

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

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

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

8 **SECTION 1440.** 115.387 of the statutes, as affected by 2019 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 1441.** 115.387 (1) (d) 1. of the statutes is amended to read:

11 115.387 (1) (d) 1. For purposes of a public school that is under the control of a
12 school board, "number of pupils enrolled" has the meaning given for "pupils enrolled"
13 in s. ~~115.437 (1)~~ 121.004 (7).

14 **SECTION 1459.** 115.437 (2) (a) of the statutes is amended to read:

15 115.437 (2) (a) Except as provided in par. (b), annually on the 4th Monday of
16 March, the department shall pay to each school district an amount equal to the
17 average of the number of pupils enrolled in the school district in the current and 2
18 preceding school years multiplied by \$75 in the 2013-14 school year, by \$150 in the
19 2014-15 and 2015-16 school years, by \$250 in the 2016-17 school year, by \$450 in
20 the 2017-18 school year, by \$654 in the 2018-19 school year, by \$679 in the
21 subsequent school year, and by ~~\$630~~ in each school year thereafter by \$704. The
22 department shall make the payments from the appropriation under s. 20.255 (2) (aq).

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

24 **115.439 Supplemental per pupil aid. (1) DEFINITIONS.** In this section: