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1 (c) Beginning in 2022 and ending in 2029, annually, each municipality that
2 assesses a fee under s. 66.0420 (7) shall receive a payment under this section equal
3 the amount it received in 2021.

4 (2) Each municipality that is eligible to receive a payment under this section
5 shall report to the department of revenue the following information:

6 (a) On or before August 15, 2019, the 2018 actual fee revenues from s. 66.0420
7 (7) and the estimated gross receipts on which the fee revenues are based.

8 (b) On or before August 15, 2020, the 2019 actual fee revenues from s. 66.0420
9 (7) and the estimated gross receipts on which the fee revenues are based.

10 (c) Any other information, provided in the time and manner determined by the
11 department, that the department considers necessary for the administration of this
12 section.

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

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

20 **400.** Page 671, line 19: delete the material beginning with that line and
21 ending with page 672, line 19.

22 ✓ **401.** Page 672, line 23: after that line insert:

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

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1 84.013 (3) (b) I 41 extending approximately 23 miles between STH 96 in the
2 town of Grand Chute and CTH "F" in the town of Lawrence, in Brown and Outagamie
3 counties, including all interchanges, and including work on local roads as necessary
4 for the completion of the project. As a component of this project, the department shall
5 construct an interchange of I 41 and local highways near the intersection of
6 Southbridge Road/French Road and Creamery Road in Brown County."

7 **402.** Page 673, line 4: after that line insert:

8 "SECTION 1079m. 84.062 of the statutes is created to read:

9 **84.062 Alternative project delivery. (1) DEFINITIONS.** In this section:

10 (a) "Alternative technical concepts" means a proposed alternative to the
11 technical requirements provided by the office in the request for proposals for a
12 project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (p) "Technical review committee" means the committee appointed under sub.
2 (3).

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

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

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

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

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

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

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

23 (c) For each project designated as a design-build project under par. (a), the
24 office shall prepare a written analysis supporting the office's determination that it
25 is the best interests of the state to make the designation. The written determination

1 and supporting materials are subject to inspection under s. 19.35. The written
2 analysis shall include all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) For each project designated under par. (a), the office shall solicit requests
25 for qualifications, requests for proposals, and cost proposals as provided in this

1 section and, subject to sub. (7) (c) and (d), let each project by contract to a qualified
2 responsible bidder.

3 (e) No more than 6 months following the completion of a design-build project
4 designated under this subsection, the office shall prepare a report, with input from
5 the design-builder and the technical review committee, detailing the project, the
6 decision to designate the project as a design-build project, the type of design-build
7 contract let, and recommendations for statutory changes, if any. The office shall
8 provide this report to the joint committee on finance and the senate and assembly
9 standing committees having jurisdiction over transportation matters. The senate
10 and assembly standing committees having jurisdiction over transportation matters
11 shall schedule a hearing on the report not more than 30 days following distribution
12 of the report by the chief clerks of the senate and the assembly. This paragraph does
13 not apply to projects completed after December 31, 2025.

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

17 1. An employee of the department representing a regional office of the
18 department who has at least 5 years of experience in the transportation construction
19 industry.

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

23 3. One person representing a state association of architectural, engineering, or
24 design companies.

1 4. One person representing a state association of transportation construction
2 companies.

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

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

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

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

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

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

22 a. The design and construction experience of the design-builder or member,
23 personnel, and contractors who will manage the design, engineering, and
24 construction aspects of the project. The office may not require a level of experience
25 that will unreasonably restrict competition.

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

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

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

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

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

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

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

19 d. If the department has previously contracted with the design-builder or a
20 member, the design-builder or member has a record of satisfactorily completing
21 projects. In making this determination, the technical review committee shall
22 consider if the design-builder or the member has completed all contracts in
23 accordance with drawings and specifications, diligently pursued execution of the
24 work and completed contracts according to the time schedule, fulfilled guarantee
25 requirements of contracts, and complied with applicable safety program

1 requirements. The technical review committee may not consider whether a
2 design-builder or member exercised legal rights specified in statute or rule or under
3 a contract with the department.

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

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

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

12 h. The design-builder can provide information to the technical review
13 committee upon request about ownership, management, and control of the
14 design-builder.

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

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

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

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

25 a. The type of contract to be awarded.

- 1 b. The selection criteria for recommendation of design-builders for phase 2.
- 2 c. Project requirements, including a scope of work statement and a schedule.
- 3 d. The required completion date of the project.
- 4 e. A description of requirements for the technical proposal for the project.

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

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

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

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

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

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

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

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

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

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

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

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

12 10. Requirements relating to performance bonds, payments bonds, and
13 insurance.

14 11. Amount of stipend, if any.

15 12. The procedures for awarding a contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (f) The department and the technical review committee shall maintain the
2 confidentiality of information provided by design-builders as required by s. 84.01
3 (32).

4 (8) CONTRACT AWARD. (a) In this subsection:

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

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

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

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

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

1 of all construction services required under the contract, the office shall cancel the
2 contract award.

3 (9) PROJECT DELIVERY. An individual identified in a response to a request for
4 qualifications or in a technical proposal may be replaced by a design-builder if the
5 office determines that the new individual meets the qualifications described in the
6 response to the request for qualifications or in the technical proposal and that the
7 individual's qualifications are at least equal to the qualifications of the individual
8 being replaced.

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

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

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

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

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

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

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

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

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

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

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

21 2. The request does not comply with procedural requirements under this
22 section.

23 3. The request contains material errors or omissions.

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

1 5. The request indicates a bias against or preference for a specific
2 design-builder.

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

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

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

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

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

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

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

23 6. The technical proposal or cost proposal submitted by the design-builder who
24 received the notice of intent to award a contract is not responsive to the request for
25 proposals, contains conditions or qualifications not provided for in the request for

1 proposals, or does not assign costs to all services identified in the technical proposal
2 or is otherwise materially unbalanced.

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

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

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

24 1. The director.

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

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

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

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

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

23 (d) No later than 6 months after receipt of the report required under par. (c),
24 the joint committee on finance shall determine whether the alternative project
25 delivery pilot program was successful in providing the department with additional

1 tools that allow innovation, reduced project completion time, cost certainty, or
2 reduced cost or other advantages or benefits and shall make a recommendation to
3 the legislature as to whether the pilot program should be made permanent.”.

4 ✓ **403.** Page 673, line 5: delete lines 5 to 10.

5 ✓ **404.** Page 673, line 11: delete lines 11 and 12.

6 ✓ **405.** Page 674, line 3: after that line insert:

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

8 85.061 (3) (a) (intro.) The department shall administer a rail passenger route
9 development program. From the ~~appropriation~~ appropriations under s. 20.395
10 (2) (br) and 20.866 (2) (up), the department may fund any of the following:

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

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

19 ✓ **406.** Page 674, line 3: after that line insert:

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

21 **85.0203 Mileage-based fees. (1)** The department shall expend not more
22 than \$2,500,000 to enter into a contract with a firm for the study of, and preparation
23 of a report regarding, the policies, procedures, and operations needed to implement
24 mileage-based fees and for the preparation of a traffic and revenue analysis

1 associated with these fees. No later than December 1, 2022, the firm conducting the
2 study and preparing the analysis under this subsection shall report its findings to
3 the department and the legislature under s. 13.172 (2).

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

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

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

15 ✓ **407.** Page 674, line 4: delete the material beginning with that line and ending
16 with page 675, line 9.

17 ✓ **408.** Page 675, line 9: after that line insert:

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

19 **85.093 Intermodal freight assistance.** The department may make grants
20 to public or private applicants for intermodal freight facilities that the department
21 determines have a public purpose. In the 2019-21 fiscal biennium, a grant made
22 under this section shall be paid from the appropriation under s. 20.395 (2) (bu). After
23 July 1, 2021, a grant made under this section shall be paid from the appropriation

1 under s. 20.866 (2) (uw). For the 2019-21 fiscal biennium, grants under this section
2 may not exceed \$1,500,000.”.

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

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

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

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

7 ✓ **413.** Page 676, line 20: delete the material beginning with that line and
8 ending with page 677, line 4.

9 ✓ **414.** Page 677, line 5: delete lines 5 to 17.

10 ✓ **415.** Page 677, line 17: after that line insert:

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

12 **85.64 Office of innovative program delivery.** (1) In this section:

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

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

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

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

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

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

24 (c) Supervise all expenditures of the office.

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

2 ✓ **416.** Page 677, line 18: delete lines 18 to 25.

3 **417.** Page 678, line 19: delete the material beginning with that line and
4 ending with page 679, line 18, and substitute:

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

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

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

14 2. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
15 \$35,149,400 in fiscal year 2019-20, to fund town road improvements.

16 3. From the appropriation under s. 20.395 (2) (fc), the department shall allocate
17 \$22,847,400 in fiscal year 2019-20, to fund municipal street improvement projects.

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

21 ✓ **418.** Page 679, line 18: after that line insert:

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

23 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
24 shall annually, on March 10, pay to counties having county forests established under

1 ch. 28, for the improvement of public roads within the county forests which are open
2 and used for travel and which are not state or county trunk highways or town roads
3 and for which no aids are paid under s. 86.30, the amount of ~~\$\$\$36~~ \$351 per mile of
4 road designated in the comprehensive county forest land use plan as approved by the
5 county board and the department of natural resources. If the amount appropriated
6 under s. 20.395 (1) (fu) is insufficient to make the payments required under this
7 subsection, the department shall prorate the amount appropriated in the manner it
8 considers desirable.”.

9 ✓ **419.** Page 679, line 19: delete lines 19 and 20.

10 ✓ **420.** Page 679, line 24: delete the material beginning with that line and
11 ending with page 680, line 5.

12 ✓ **421.** Page 680, line 6: delete lines 6 to 18.

13 ✓ **422.** Page 680, line 19: delete the material beginning with that line and
14 ending with page 685, line 3.

15 ✓ **423.** Page 685, line 4: delete the material beginning with that line and ending
16 with page 688, line 5.

17 ✓ **424.** Page 688, line 5: after that line insert:

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

19 101.02 (7y) (a) In this subsection, “quarry” has the meaning given in s.
20 66.04135 (2) (c).

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

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

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

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

15 ✓ **425.** Page 688, line 6: delete lines 6 to 21.

16 ✓ **426.** Page 688, line 22: delete the material beginning with that line and
17 ending with page 689, line 2.

18 ✓ **427.** Page 689, line 13: delete the material beginning with that line and
19 ending with page 729, line 7.

20 ✓ **428.** Page 729, line 8: delete lines 8 to 14.

21 ✓ **429.** Page 729, line 15: delete the material beginning with that line and
22 ending with page 741, line 2.

23 ✓ **430.** Page 741, line 3: delete lines 3 to 14.

24 ✓ **431.** Page 741, line 15: delete that line.

- 1 ✓ **432.** Page 741, line 16: delete the material beginning with that line and
2 ending with page 742, line 9.
- 3 ✓ **433.** Page 742, line 10: delete lines 10 to 16.
- 4 ✓ **434.** Page 742, line 17: delete lines 17 to 23.
- 5 ✓ **435.** Page 742, line 24: delete that line.
- 6 ✓ **436.** Page 742, line 25: delete the material beginning with that line and
7 ending with page 745, line 19.
- 8 ✓ **437.** Page 745, line 20: delete that line.
- 9 ✓ **438.** Page 745, line 21: delete the material beginning with that line and
10 ending with page 746, line 5.
- 11 ✓ **439.** Page 746, line 6: delete that line.
- 12 ✓ **440.** Page 746, line 7: delete the material beginning with that line and ending
13 with page 769, line 11.
- 14 ✓ **441.** Page 769, line 12: delete lines 12 to 18.
- 15 ✓ **442.** Page 769, line 19: delete lines 19 to 23.
- 16 ✓ **443.** Page 769, line 24: delete the material beginning with that line and
17 ending with page 777, line 5.
- 18 ✓ **444.** Page 777, line 6: delete lines 6 to 15.
- 19 **445.** Page 777, line 16: delete that line.
- 20 ✓ **446.** Page 777, line 16: after that line insert:
21 “SECTION 1325d. 106.27 (1j) (title) of the statutes is amended to read:

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

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

4 106.27 (1j) (a) Of the amounts appropriated under s. 20.445 (1) (b), the
5 department shall allocate ~~up to \$1,000,000~~ \$200,000 in the 2019-20 fiscal year and
6 \$320,000 in the 2020-21 fiscal year for grants to the department of corrections to
7 fund the creation and operation of mobile classrooms.

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

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

19 ✓ **447.** Page 777, line 16: after that line insert:

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

21 **106.18 Youth summer jobs programs ~~in 1st class cities.~~** From the
22 appropriation account under s. 20.445 (1) (fm), the department shall implement and
23 operate youth summer jobs programs in 1st class cities this state.”.

24 ✓ **448.** Page 777, line 16: after that line insert:

- 1 ✓ **SECTION 1325r.** 106.27 (1) (g) of the statutes is created to read:
- 2 106.27 (1) (g) Grants for programs that promote the attraction and retention
- 3 of personal care workers.”.
- 4 ✓ **449.** Page 777, line 19: after “in” insert “each year of”.
- 5 ✓ **450.** Page 777, line 24: delete that line.
- 6 ✓ **451.** Page 777, line 25: delete the material beginning with that line and
- 7 ending with page 778, line 17.
- 8 ✓ **452.** Page 778, line 18: delete the material beginning with that line and
- 9 ending with page 780, line 7.
- 10 ✓ **453.** Page 780, line 8: delete that line.
- 11 ✓ **454.** Page 780, line 9: delete lines 9 to 25.
- 12 ✓ **455.** Page 781, line 1: delete lines 1 to 6.
- 13 ✓ **456.** Page 781, line 7: delete lines 7 to 23.
- 14 ✓ **457.** Page 781, line 24: delete that line.
- 15 ✓ **458.** Page 781, line 25: delete the material beginning with that line and
- 16 ending with page 782, line 15.
- 17 ✓ **459.** Page 782, line 16: delete the material beginning with that line and
- 18 ending with page 785, line 5.
- 19 ✓ **460.** Page 785, line 14: delete lines 14 to 16.
- 20 ✓ **461.** Page 785, line 17: delete that line.
- 21 ✓ **462.** Page 785, line 18: delete the material beginning with that line and
- 22 ending with page 787, line 4.

- 1 ✓ **463.** Page 787, line 5: delete that line.
- 2 ✓ **464.** Page 787, line 6: delete the material beginning with that line and ending
3 with page 789, line 25.
- 4 ✓ **465.** Page 790, line 1: delete lines 1 to 10.
- 5 ✓ **466.** Page 790, line 11: delete lines 11 to 15.
- 6 ✓ **467.** Page 790, line 16: delete the material beginning with that line and
7 ending with page 791, line 8.
- 8 ✓ **468.** Page 791, line 9: delete the material beginning with that line and ending
9 with page 792, line 14.
- 10 ✓ **469.** Page 792, line 15: delete lines 15 to 24.
- 11 ✓ **470.** Page 792, line 25: delete the material beginning with that line and
12 ending with page 794, line 3.
- 13 ✓ **471.** Page 794, line 4: delete lines 4 to 20.
- 14 ✓ **472.** Page 794, line 21: delete the material beginning with that line and
15 ending with page 795, line 12.
- 16 ✓ **473.** Page 795, line 13: delete lines 13 to 20.
- 17 ✓ **474.** Page 795, line 21: delete the material beginning with that line and
18 ending with page 796, line 8.
- 19 ✓ **475.** Page 796, line 24: delete the material beginning with that line and
20 ending with page 797, line 22.
- 21 ✓ **476.** Page 797, line 23: delete that line.

1 ✓ **477.** Page 797, line 24: delete the material beginning with that line and
2 ending with page 801, line 15.

3 ✓ **478.** Page 801, line 16: delete the material beginning with that line and
4 ending with page 803, line 21.

5 ✓ **479.** Page 803, line 22: delete the material beginning with that line and
6 ending with page 804, line 11.

7 ✓ **480.** Page 804, line 12: delete the material beginning with that line and
8 ending with page 805, line 22.

9 ✓ **481.** Page 805, line 23: delete the material beginning with that line and
10 ending with page 806, line 11.

11 ✓ **482.** Page 806, line 12: delete lines 12 to 23.

12 ✓ **483.** Page 806, line 24: delete that line.

13 ✓ **484.** Page 806, line 25: delete that line.

14 ✓ **485.** Page 807, line 1: delete lines 1 to 9.

15 ✓ **486.** Page 807, line 10: delete lines 10 to 15.

16 ✓ **487.** Page 807, line 16: delete lines 16 to 21.

17 ✓ **488.** Page 807, line 22: delete the material beginning with that line and
18 ending with page 808, line 5.

19 ✓ **489.** Page 808, line 6: delete lines 6 to 17.

20 ✓ **490.** Page 808, line 23: delete the material beginning with that line and
21 ending with page 809, line 3.

22 ✓ **491.** Page 809, line 4: delete lines 4 to 9.

1 ✓ **492.** Page 809, line 10: delete the material beginning with that line and
2 ending with page 810, line 8.

3 ✓ **493.** Page 810, line 8: after that line insert:

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

5 115.343 (1) The department shall establish a school day milk program. A
6 public, private, or tribal school participating in the program shall offer each eligible
7 child one half-pint of Wisconsin-produced whole milk, 2 percent milk, 1.5 percent
8 milk, one percent milk, 0.5 percent milk, skim milk or chocolate milk on each day in
9 which school is in session. If a child is allergic to milk or has metabolic disorders or
10 other conditions which prohibit him or her from drinking milk, the child shall be
11 offered juice as a substitute. Any school that participates in the program is
12 encouraged to consider bids from local milk suppliers. The school shall keep all
13 information related to the identity of the pupils who receive a beverage under the
14 program confidential. In this subsection, “Wisconsin-produced” means that all or
15 part of the raw milk used by the milk processor was produced in this state. In this
16 section, “public, private, or tribal school” includes a charter school under s. 118.40
17 (2r) or (2x), the program under s. 115.52, the center under s. 115.525, or a residential
18 care center for children and youth, as defined in s. 115.76 (14g).”.

19 ✓ **494.** Page 810, line 9: delete lines 9 to 21.

20 ✓ **495.** Page 810, line 22: delete the material beginning with that line and
21 ending with page 811, line 2.

22 ✓ **496.** Page 811, line 3: delete the material beginning with that line and ending
23 with page 813, line 14.

24 ✓ **497.** Page 813, line 14: after that line insert:

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

2 **115.375 Grants for robot-assisted educational programs for pupils**
3 **with autism.** (1) A cooperative educational service agency may apply to the
4 department for a grant for the purpose of implementing a program that uses all of
5 the following to teach social and behavioral skills to pupils with autism spectrum
6 disorder:

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

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

9 (c) Visual supports.

10 (d) Video modeling.

11 (e) An automated data collection system.

12 (f) A comprehensive curriculum facilitator.

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

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

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

20 **(4)** A cooperative educational service agency that receives a grant under this
21 section shall use the grant moneys to develop, implement, and provide the program
22 described under sub. (1) and to purchase robotic devices and curriculum with proven
23 effectiveness for aiding in the academic, social, and emotional learning of pupils with
24 autism spectrum disorder. The cooperative educational service agency shall ensure

1 that a licensed special education teacher is present at the location where the program
2 is provided.”.

3 ✓ **498.** Page 813, line 15: delete the material beginning with that line and
4 ending with page 814, line 2.

5 **499.** Page 814, line 9: delete the material beginning with that line and ending
6 with page 815, line 5.

7 **500.** Page 815, line 6: delete the material beginning with that line and ending
8 with page 817, line 2.

9 **501.** Page 817, line 3: delete the material beginning with that line and ending
10 with page 818, line 18.

11 **502.** Page 818, line 25: delete the material beginning with that line and
12 ending with page 819, line 2, and substitute “the 2017-18 school year, by \$654 in the
13 2018-19 school year, by \$679 in the subsequent school year, and ~~by \$630~~ in each
14 school year thereafter by \$704. The department shall make the payments from the
15 appropriation under s. 20.255 (2) (aq).”.

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

17 **504.** Page 819, line 16: after that line insert:

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

19 **115.439 Supplemental per pupil aid. (1) DEFINITIONS.** In this section:

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

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