

CR 11-053

**ORDER OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD
AMENDING RULE RELATING TO PROCUREMENT**

The Wisconsin Technical College System Board proposes an order to amend TCS 6.05 relating to procurement.

**ANALYSIS PREPARED BY THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD**

1. **Statutes interpreted:** Wis. Stats. § 38.04
2. **Statutory authority:** Wis. Stats. § 38.04 and § 38.12
3. **Explanation of agency authority:** Section 38.04 (14) (a), Stats., authorizes the technical college system board to promulgate rules applicable to all district boards, establishing general district policies related to procurement and contracts to provide services.
4. **Related statute or rule:** TCS 6.05
5. **Plain language analysis:** 2011 Wisconsin Act 32 raised procurement cost minimums for various procurement requirements for state agencies in ch. 16, Stats. The proposed rule amendments are limited to increasing current procurement cost minimums for technical college districts to align with the minimums outlined for state agencies in ch. 16, Stats.
6. **Summary of, and comparison with, existing or proposed federal regulations:**
Not applicable. Technical college districts are seeking consistency with Wisconsin state procurement standards.
7. **Comparison with rules in adjacent states:** Not applicable. Technical college districts are seeking consistency with Wisconsin state procurement standards.
8. **Summary of factual data and analytical methodologies:** Not applicable.
9. **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** Not applicable

10. **Effect on small business:** None.

11. **Agency contact person:** Morna Foy, Vice President, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 266-2449, e-mail morna.foy@wtcssystem.edu.

12. **Place where comments are to be submitted and deadline for submission:** A public hearing and notice were not required under s. 227.16 (2) (b), Stats., as the proposed rule amendment will align the cost minimums for procurement requirements of the Wisconsin Technical College System with the policies and cost minimums established by the Legislature and the Governor for state agency procurements in 2011 Wisconsin Act 32.

TEXT OF RULE

Section 1. TCS 6.05 (2) (c), (f), (g) and (j) (intro.) are amended to read:

TCS 6.05 (2) (c) *Competitive bids*. Require that all procurements where the total cost exceeds ~~\$25,000~~ \$50,000 and public construction under ss. 38.18 and 62.15 (1), (11), and (14), Stats., where the total cost exceeds ~~\$10,000~~ \$25,000 be accomplished through the use of competitive bids except as provided by pars. (d), (e), and (i).

(f) *Solicitation of written quotes*. Except as provided under pars. (d), (e), and (i), require that all procurements where the total cost equals or exceeds ~~\$10,000~~ \$25,000 and does not exceed ~~\$25,000~~ \$50,000 be accomplished through the solicitation of written quotations from a minimum of 3 contractors or proposed contractors.

(g) *Procurements less than \$10,000 than \$25,000*. Establish a procedure for all procurements where the total cost is less than ~~\$10,000~~ \$25,000.

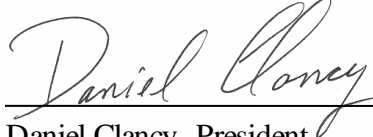
(j) *Records required*. Require that records be created and retained for all procurements where the total cost equals or exceeds ~~\$10,000~~ \$25,000. These records shall include:

EFFECTIVE DATE

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 5th day of June, 2012.

Wisconsin Technical College System Board

A handwritten signature in cursive script that reads "Daniel Clancy". The signature is written in black ink and is positioned above a horizontal line.

Daniel Clancy, President

Wisconsin Technical College System