

CR 84-244

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STATE OF WISCONSIN                    )  
  )SS.  
DEPARTMENT OF ADMINISTRATION)

I, Doris J. Hanson, Secretary of the Department of Administration and custodian of the official records do hereby certify that the annexed rules relating to contractual services, were duly approved and adopted by this department on 15 November 1985.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 101 South Webster Street in the city of Madison this 15th day of November 1985.

  
Doris J. Hanson, Secretary

ORDER OF THE  
DEPARTMENT OF ADMINISTRATION  
AMENDING RULES

Relating to contractual services.

To amend ss. Adm 10.08 (3) and (4); to amend s. Adm 10.15 (1) (5) and (6) of the Wisconsin Administrative Code.

Analysis prepared by the Department of Administration.

The proposed rule would amend s. Adm 10.08 (3) of the Wisconsin Administrative Code because a description of the evaluation process is often included as a part of the RFP and not as an appendix.

Section Adm 10.08 (4) of the Wisconsin Administrative Code is being amended so an evaluation committee composed of either an odd or even number of members can meet to evaluate proposals submitted in response to an RFP. A committee consists of at least 3 members who evaluate proposals based on a series of numerical ratings. Since an evaluation committee is not usually a voting committee, the number of members, odd or even, is immaterial. Any number of members can fairly evaluate the RFP's.

Section Adm 10.08 (4) of the Wisconsin Administrative Code is being amended further so that either a member of the evaluation committee or a person other than a committee member trained in procuring contractual services can advise the committee. Trained staff in state agencies have the expertise and are more readily available to act as advisors to a committee.

The proposed rule would amend s. Adm 10.15 (1), (5) and (6) of the Wisconsin Administrative Code so that an aggrieved party need only file notice of an intent to protest a solicitation for bids or an award of a contract for contractual services to the procuring agency before filing an actual protest or appeal. The time frames provide sufficient time for a protestor to file a notice of an intent to protest and sufficient time to file an actual protest or appeal.

The proposed rule amendments will have no adverse effect on small businesses as defined in s. 227.016, Stats.

Pursuant to the authority vested in the Department of Administration by ss. 16.001 and 16.705 (2), Stats., the Department hereby proposes to amend rules interpreting s. 16.705, Stats., as follows:

SECTION 1. Adm 10.08 (3) and (4) are amended to read:

Adm 10.08 (3) PROPOSAL EVALUATION. Proposals shall be evaluated using a predetermined method to determine which proposer best meets the needs of the procuring agency. A description of the process of evaluation should be included ~~as an appendix to~~ with the RFP. The RFP should state, whenever possible, whether oral presentations by proposers will be part of the evaluation process.

Adm 10.08 (4) EVALUATION COMMITTEE. Before an RFP is distributed to prospective contractors, the procuring agency shall establish an evaluation committee. Each committee shall consist of 3 or a larger odd number of members, depending on the complexity and scope of services being procured. At least one member or a person advising the committee, shall be trained in procuring contractual services. An evaluation committee shall:

SECTION 2. Adm 10.15 (1), (5) and (6) are amended to read:

Adm 10.15 (1) RIGHT TO PROTEST. Any bidder or proposer or labor organization or organizations representing the appropriate certified state collective bargaining unit or units who is aggrieved in connection with the a solicitation or a notice of intent to award a contract may protest to the procuring agency. The protest protestor shall be-submitted file a notice of intent to protest in writing with the head of the procuring agency, or designee, within 5 working days after receipt issuance of the solicitation, or after issuance of the letter of intent to award a contract, and shall serve the protest in writing on the head of the procuring agency, or designee, within 10 working days after issuance of the solicitation, or after issuance of the letter of intent to award a contract. Any--bidder--or proposer--who--is--aggrieved--by--the--intent--to--award--a--contract may--protest--to--the--procuring--agency.--The--protest--shall--be submitted--in--writing--to--the--head--of--the--procuring--agency within--5--days--after--issuance--of--the--letter--of--intent--to award--a--contract.

Adm 10.15 (5) APPEAL. The protestor may appeal the decision of the procuring agency, provided the protestor alleges a violation of a statute or a provision of this chapter, to the secretary within 7 5 working days of receipt issuance of the decision. The secretary, or designee, shall take necessary action to settle and resolve the protest and shall promptly issue a decision in writing which shall be mailed or otherwise furnished to the protestor.

Adm 10.15 (6) STATE OF PROCUREMENTS DURING PROTESTS. In the event of a the filing of a timely notice of intent to protest, protest or appeal under sub. (1), the state shall not proceed further with the solicitation or with the award of the contract until a decision is rendered in response to the protest or appeal, or unless the secretary, after consultation with the head of the contracting agency, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the state.

The rule amendment contained in this order shall take effect as provided in s. 227.026 (1) (intro.), Stats.

Dated: 11/15/85

Department of Administration

A handwritten signature in cursive script, appearing to read "Doris J. Hanson", written over a horizontal dashed line.

Doris J. Hanson, Secretary