

# State of Wisconsin



2017 Assembly Bill 675

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## 2017 WISCONSIN ACT 237

AN ACT to amend 13.48 (3), 13.48 (6), 13.48 (7), 13.48 (10) (a), 13.48 (10) (b) 5., 13.48 (29), 13.488 (7) (a), 16.855 (14) (am), 16.855 (22), 16.87 (3), 20.924 (1) (a) and 20.924 (1) (b); and to create 16.855 (1g) (ec), 16.855 (1g) (em), 16.855 (14s) and 16.867 of the statutes; relating to: projects included in the Authorized State Building Program, project approvals by the Building Commission, and selection of project architects and engineers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 13.48 (3) of the statutes is amended to read:

13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, the moneys appropriated to the state building trust fund under s. 20.867 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys shall be deposited into the state building trust fund. At such times as the building commission directs, or in emergency situations under s. 16.855 (16) (b), the governor shall authorize releases from this fund to become available for projects and shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the building commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The building commission may authorize any project costing ~~\$760,000~~ \$1,000,000 or less in accordance with priorities to be established by the building commission and may adjust the priorities by deleting, substituting or adding new projects as needed to reflect changing program

needs and unforeseen circumstances. The building commission may enter into contracts for the construction of buildings for any state agency, except a project authorized under sub. (10) (c), and shall be responsible for accounting for all funds released to projects. The building commission may designate the department of administration or the agency for which the project is constructed to act as its representative in such accounting.

**SECTION 2.** 13.48 (6) of the statutes is amended to read:

13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the building commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific recommendations and establish priorities for the next 3 biennia from among all projects submitted which the building commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The building commission shall include in the report any projects proposed by the state fair park board involving a cost of not more than ~~\$250,000~~ \$300,000, together with the method of financing proposed for those projects by the board, without recommendation. The building commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

of state agencies and shall file copies of its report with the governor-elect.

**SECTION 3.** 13.48 (7) of the statutes is amended to read:

13.48 (7) **BIENNIAL RECOMMENDATIONS.** The building commission shall prepare and formally adopt recommendations for the long-range state building program on a biennial basis. The building commission shall include in its report any projects proposed by the state fair park board involving a cost of not more than ~~\$250,000~~ \$300,000, together with the method of financing those projects proposed by the board, without recommendation. Unless a later date is requested by the building commission and approved by the joint committee on finance, the building commission shall, no later than the first Tuesday in April of each odd-numbered year, transmit the report prepared by the department of administration under s. 16.40 (20) and the commission's recommendations for the succeeding fiscal biennium that require legislative approval to the joint committee on finance in the form of proposed legislation prepared in proper form.

**SECTION 4.** 13.48 (10) (a) of the statutes is amended to read:

13.48 (10) (a) Except as provided in par. (c), no state board, agency, officer, department, commission, or body corporate may enter into a contract for the construction, reconstruction, remodeling of, or addition to any building, structure, or facility, in connection with any building project which involves a cost in excess of ~~\$185,000~~ \$300,000 without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. This section applies to the department of transportation only in respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

**SECTION 5.** 13.48 (10) (b) 5. of the statutes is amended to read:

13.48 (10) (b) 5. Contracts for construction of any building, structure or facility for the state fair park board involving a cost of not more than ~~\$250,000~~ \$300,000.

**SECTION 6.** 13.48 (29) of the statutes is amended to read:

13.48 (29) ~~SMALL SIMPLIFIED POLICIES AND PROCEDURES FOR CONSTRUCTION PROJECTS.~~ Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any construction project that ~~does not require prior approval of the building commission under sub. (10) (a) involving a cost of not more than \$300,000~~, except projects specified in sub. (10) (c).

**SECTION 7.** 13.488 (7) (a) of the statutes is amended to read:

13.488 (7) (a) The building commission, with advice from the state fair park board, shall examine and review detailed design requirements for all state-owned facilities involving a cost of more than ~~\$250,000~~ \$300,000 to be included in the development of state fair park.

**SECTION 8.** 16.855 (1g) (ec) of the statutes is created to read:

16.855 (1g) (ec) "Single trade contractor" means a contractor whose primary business is the performance of a trade.

**SECTION 9.** 16.855 (1g) (em) of the statutes is created to read:

16.855 (1g) (em) "Trade" means mechanical, electrical, plumbing, or fire protection work.

**SECTION 10.** 16.855 (14) (am) of the statutes is amended to read:

16.855 (14) (am) Except as provided in ~~sub. (14s) and~~ s. 13.48 (19), the department shall let all construction projects that exceed ~~\$185,000~~ \$300,000 through single prime contracting. The department may not request or accept any alternate bids when letting a construction project through single prime contracting.

**SECTION 11.** 16.855 (14s) of the statutes is created to read:

16.855 (14s) (a) The department may let any construction project that exceeds \$300,000 to a single trade contractor for all work on the project if at least 85 percent of the estimated construction cost of the project is for work that involves the trade that is the primary business of the single trade contractor.

(b) The department and the Board of Regents shall each develop and implement an open and public bidding process for purposes of contracting with single trade contractors who have submitted the lowest bid on a project and who are qualified responsible bidders. For purposes of this paragraph, the department and the board shall follow the requirements and procedures under sub. (2).

(c) Within 48 hours after the deadline for a single trade contractor to submit a bid, the department or the Board of Regents shall post on its Internet site the tabulations of all bids that identify the names of the single trade contractors that bid and the amount of each bid and shall make the tabulations and amounts available at the department or board if they are unavailable on the Internet site.

(d) Except as provided in sub. (10m) (am), the department or the Board of Regents shall award all contracts under this subsection to the lowest bidder who is a qualified responsible bidder that results in the lowest total construction cost for the project.

(e) Within 30 days after the deadline for a single trade contractor to submit a bid, the department or the Board of Regents shall notify the single trade contractor bidder that was awarded the contract.

(f) A contract awarded under this subsection is not subject to subs. (13) and (14m).

**SECTION 12.** 16.855 (22) of the statutes is amended to read:

16.855 (22) The provisions of this section, except sub. (10m), do not apply to construction work for any project that does not require the prior approval of the building commission under s. 13.48 (10) (a) involving a cost of not more than \$300,000 if the project is constructed in accordance with policies and procedures prescribed by the building commission under s. 13.48 (29). If the estimated construction cost of any project, other than a project exempted under sub. (12m) or (24), is at least \$50,000, and the building commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct the project, the department shall provide adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

**SECTION 13.** 16.867 of the statutes is created to read:

**16.867 Selection of architects and engineers.** (1) The secretary shall establish a committee under s. 15.04 (1) (c) for each construction project under the department's supervision, except an emergency project approved under s. 16.855 (16) (b) 2., for the purpose of selecting an architect or engineer for the project.

(2) If the estimated cost of a construction project under the department's supervision is \$7,400,000 or more, the selection committee appointed under sub. (1) shall use a request-for-proposal process established by the department to select an architect or engineer for the project based on qualifications.

**SECTION 14.** 16.87 (3) of the statutes is amended to read:

16.87 (3) Except as provided in sub. (4), a contract under sub. (2) is not valid or effectual for any purpose until it is endorsed in writing and approved by the secretary or the secretary's ~~designated assistant designee~~ and, if the contract involves an expenditure over ~~\$60,000~~ \$300,000, approved by the governor. ~~The governor may delegate the authority to approve any contract requiring his or her approval under this subsection that involves an expenditure of less than \$150,000 to the secretary or the secretary's designee.~~ Except as provided in sub. (4), no payment or compensation for work done under any contract involving \$2,500 or more, except a highway contract, may be made unless the written claim is audited and approved by the secretary or the secretary's designee. Any change order to a contract requiring approval under this subsection requires the prior approval by the secre-

tary or the secretary's ~~designated assistant designee~~ and, if the change order involves an expenditure over ~~\$60,000~~ \$300,000, the approval of the governor ~~or, if the governor delegates his or her authority to approve contracts under this subsection and the change order involves an expenditure of less than \$150,000, the approval of the secretary or the secretary's designee.~~

**SECTION 15.** 20.924 (1) (a) of the statutes is amended to read:

20.924 (1) (a) Shall authorize the design and construction of any building, structure or facility costing in excess of ~~\$760,000~~ \$1,000,000 regardless of funding source, only if that project is enumerated in the authorized state building program.

**SECTION 16.** 20.924 (1) (b) of the statutes is amended to read:

20.924 (1) (b) Shall authorize the acquisition of land, or the repair, remodeling or improvement to any existing building, structure or facility costing in excess of ~~\$760,000~~ \$1,000,000, regardless of funding source, only if that project is enumerated in the authorized state building program. This paragraph does not apply to the acquisition of land by the building commission in the city of Madison within a block number specified in s. 13.48 (18). This paragraph does not apply to projects authorized under s. 16.858.

**SECTION 17. Initial applicability.**

(1) STATE BUILDING PROGRAM THRESHOLDS.

(a) The treatment of sections 13.48 (3) and 20.924 (1) (a) and (b) of the statutes first applies to authorizations occurring on the effective date of this paragraph.

(b) The treatment of sections 13.48 (10) (a) and (b) 5., 16.855 (22), and 16.87 (3) of the statutes first applies to contracts entered into, or extended, modified, or renewed, on the effective date of this paragraph.

(2) BIDDING AND CONTRACTING. The treatment of sections 13.48 (29) and 16.855 (14) (am) and (14s) of the statutes first applies to an advertisement that is published, or a solicitation that occurs, under section 16.855 (2) (a) of the statutes on the first day of the 3rd month beginning after publication.

(3) SELECTION OF ARCHITECTS AND ENGINEERS. The treatment of section 16.867 of the statutes first applies to a construction project under the department of administration's supervision for which an advertisement is published or solicitation occurs on the effective date of this subsection.